REPORT OF THE MAYOR'S TASK FORCE ON THE CITY OF TORONTO ZONING BY-LAW

APRIL 1984

Michael Gee, Q.C./Alderman/Ward 11

City of Toronto

April 25th, 1984

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Mayor Art Eggleton
Mayor's Office
2nd Floor, City Hall
Toronto, Ontario

Dear Art:

I am enclosing herewith a copy of the Report of the Mayor's Task Force on the City of Toronto Zoning By-law with respect to residential uses.

This report is the culmination of many hours of discussion and debate and considering the breadth and complexity of the subject matter represents, in my view, a gratifying degree of consensus. Both the members and the staff of the Task Force have contributed a phenomenal amount of time and effort to achieve this result and I would like to acknowledge to them, through you, my gratitude for a very difficult task well done. Their efforts have been of great service to the City and our community.

The report is now ready for circulation to the media and the public and it is the view of the Task Force that it would be appropriate to hold a series of public meetings over the next two months, after which a final submission, including public input, can be made to Council.

Yours sincerely,

Michael Gee
Chairman
Zoning By-law Task Force

Encls.

MAYOR'S TASK FORCE
ON THE ZONING BY-LAW

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Ald. Michael Gee, Q.C.	Chairman
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Ald. David Reville	City Council
Mr. Peter Gabor, MRAIC	Toronto Home Builders' Association
Mr. Stephen Propst, MRAIC	Ontario Association of Architects
Mr. Howard Joy	Confederation of Residents & Ratepayers Association
Mr. C. R. Vernon	C.O.R.R.A.
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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Acting upon the recommendation of Mayor Art Eggleton, City Council established the Mayor's Task Force on the Zoning By-law in May 1982. The Task Force, consisting of representatives from City Council, the construction industry, ratepayers' organizations and the legal and planning professions, was given a mandate to identify the content and format problems of Zoning By-law 20623 and to recommend methods for resolving them. While the Task Force focused on the residential provisions which generate the majority of the by-law problems, some of their format recommendations affect the overall structure of the By-law.

The Task Force is seeking participation by the public in discussing the recommendations. The comments provided at public meetings or through written submissions, will be reviewed, and where necessary, changes will be made to the report prior to final consideration by Council.

The central theme of the report is to attain a balance between the obvious need for simplication and updating of the By-law provisions and format, and the preservation of regulations which have been effective in protecting established residential neighbourhoods. To acheive this goal the Task Force is recommending regulations that will require any renovation work or new houses to be constructed in conformity with existing buildings.

The research centred on two areas, the content of the provisions themselves and format options.

Provisions

The first topic involved a detailed analysis of the uses permitted in the residential districts. Of concern was the distribution of uses throughout the existing seven use districts and the large number of area exceptions. The Task Force determined that the distinctions between some of these districts did not in fact exist in the areas zoned for such. They concluded that the current number of seven districts created in the 1950's were no longer applicable and should be reduced to four. The advantage of this recommendation is that very few alterations are made to what is permitted in the existing use districts, by simply removing a small number of distinguishing uses that are no longer utilized.

The second topic dealt with rationalizing the multitude of conditions attached to the permitted uses. Every condition presently in the By-law was analyzed. By deleting those conditions that were either redundant or obsolete, and by streamlining those that were similar, the Task Force reduced the total number of conditions substantially.

The physical standards, the third topic, consumed the majority of the Task Force's time. The current standards were drafted for the most part in the late 1950's and in many aspects did not reflect the form of existing houses. Increased renovation activity in the 1970's demonstrated the inability of the standards to ensure compatible buildings were constructed. In addition there are numerous confusing amendments made over the years to prevent certain undesirable building characteristics. The Task Force concluded that the preferable method for accommodating renovations, while preserving streetscapes, would be to create standards that reflect the existing yard and built form characteristics of the City's neighbourhoods.

The methods recommended to achieve this objective include replacing fixed side or front yard setbacks with setbacks based on existing walls. Also, more standards should be shown on maps, to illustrate neighbourhood characteristics.

The last area of research related to the provisions, was the analysis of the content and organization of exceptions. The maze of exceptions has been multiplying each year. Currently exceptions are placed in any section of the By-law making it virtually impossible to find all the exceptions that may apply to a specific property. The Task Force acknowledged that any zoning policy will always generate exceptions and that the problem is how to organize material so that exceptions can be easily located.

The members felt that the preferable solution was the use of an index as prepared under a previous By-law study. The index provides a reference to any applicable By-law exception or site plan By-law, under a municipal address, listed by street names in alphabetical order. Other recommendations of the Task Force should reduce the current rate at which exceptions are produced.

Format

The format analysis centred around the need to reflect neighbourhood characteristics. The Task Force rejected the idea of neighbourhood by-laws because its other recommendations establish standards on a neighbourhood scale. The averaging of setbacks is an example. Therefore, it was decided to retain the present by-law format of one general by-law with accompanying maps.

The Task Force also recommended changes to the way the provisions are written and located in the By-law. Currently, it is sometimes necessary to read through many sections of By-law text to determine whether a use is permitted, or if it is conditional. The use of charts and tables to illustrate the permitted uses and physical standards should reduce the bulk of printed material while making information easier to find and understand.

The Task Force concluded that separate text sections for each residential district were not necessary. They recommend one section containing all the information pertinent to only residential districts. Truly general provisions like parking and loading should be located in the appropriate sections. It is recommended that this format be applied to any future reviews of the other By-law districts, so that eventually the entire By-law will be formatted in this manner.

The Task Force recommendations, therefore, have two main objectives. The first is to simplify the use of the By-law by making provisions easier to read and locate, regardless of whether the user is experienced in working with the By-law. The second objective is to update the provisions themselves, to ensure that renovations to existing houses and new house construction will fit in with an existing neighbourhood.

BACKGROUND

1. BACKGROUND

1.1 Zoning By-law Task Force

In May 1982, upon recommendation of Mayor Art Eggleton, City Council established the Mayor's Zoning By-law Task Force. The Mayor, in recommending the establishment of the Task Force, stated: "The by-law has never been comprehensively reviewed to determine if there are provisions which may be redundant, contradictory, dated or inappropriate in light of current building and design practice".

The terms of reference for the Task Force focus on the problems of the residential district provisions and are as follows:

"(a) the discovery and elimination of obsolete provisions;

(b) the elimination of or amendment to those residential provisions which occasion frequent exemption requests or applications to the Committee of Adjustment for minor variance, without jeopardizing good planning principles;

(c) the rationalization of conflicting, redundant or inconsistent provisions;

(d) the simplification and clarification of language;

(e) the review of all residential provisions, including setbacks, gross floor area, depth, parking and landscaped open space;

(f) the review of the recommendations contained in the forthcoming study undertaken by the Commissioner of Planning and Development during the six month freeze on general Zoning By-law amendments; and

(g) any other relevant matters referred to it."

While staff members assisted the Task Force, the recommendations of this report represent the conclusions of the Task Force members. The issues dealt with relate to the organization and content of the By-law as a whole. In fact, the bulk of the recommendations are designed to improve the format of the By-law, making it easier to use and understand. The policy changes required to implement this concept are few and only occur to implement the objectives of preserving the existing buildings and streetscapes of the City.

1.2 Need for a Comprehensive Review

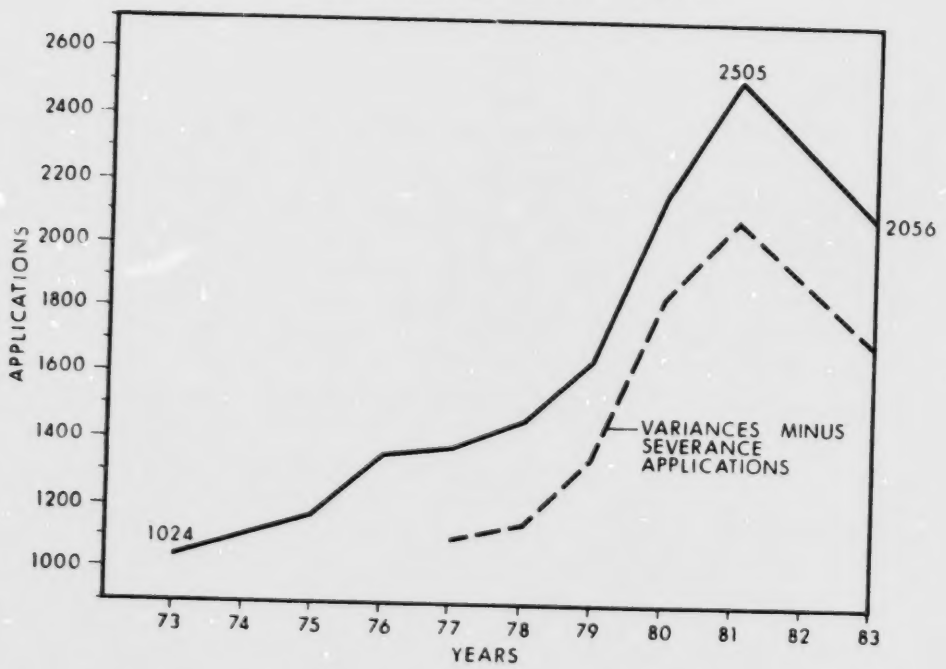
Since the enactment of By-law 20623, hundreds of amendments have been made to the By-law. Ongoing work of City staff in dealing with current issues have resulted in major reforms for the Central Area and other use categories. However, no comprehensive review

of the By-law or of the residential district provisions has been undertaken.

On February 18, 1979, Mayor John Sewell brought to the attention of the City of Toronto Executive Committee, the need to review the Zoning By-law. City Council on May 30, 1979, authorized hiring Mr. Philip Walker from the law firm of McCarthy & McCarthy, with the mandate to prepare a re-organization of the Zoning By-law without any review of the substance. This work is substantially complete.

Present By-law provisions are not conducive to the type of building and renovation activity taking place today. The need for a comprehensive By-law review is indicated by the increase in the number of applications to the Committee of Adjustment and for By-law amendments. As figure one indicates, the increase in the Committee of Adjustment applications has been significant. There were 59% more applications in the peak year of 1981 over the number received in 1973. The same pattern holds for Zoning By-law amendments, where between the years 1971 and 1981 there was a 71% and a 65% increase in the number of area and site specific By-law amendments respectively.

FIGURE 1 COMMITTEE OF ADJUSTMENT APPLICATIONS 1973 TO 1983



To curb the increase in variance applications, City Council recently approved a series of By-law amendments. The amendments are designed to update certain residential provisions that generate numerous variances that are frequently granted by the Committee of Adjustment. These provisions are indicative of the many By-law provisions that fail to reflect the current renovation activity and new residential construction.

1.3 Purpose of Report

The mandate of the Task Force is to undertake a comprehensive review of both the organization and contents of the residential provisions in By-law 20623. Due to the need for substantial re-organization and some policy change, the Task Force recommends that Council not adopt the re-organized by-law submitted by Mr. Walker.

This report outlines the conclusions and recommendations of the Task Force in response to the terms of reference. It also provides a detailed account of the analysis undertaken to formulate the recommendations.

GENERAL PRINCIPLES FOR BY-LAW REFORM

2. GENERAL PRINCIPLES FOR BY-LAW REFORM

The Task Force has identified three basic goals for By-law reform:

1. information should be easy to locate;
2. provisions should be easy to understand; and
3. current planning objectives should be reflected in the provisions.

To implement these goals, nine principles were drafted which apply to the entire By-law, not just the residential districts. Detailed recommendations based upon these principles are discussed in subsequent sections.

Principle 1

Information should be easy to find and located in the most relevant section.

i. All definitions should be located in the Definitions Section.

ii. All truly general provisions should be located in the General Provisions Section.

iii. All provisions applicable to specific use categories (e.g. residential, commercial) should be located in individual sections.

iv. All area related exceptions should be located in one section.

Principle 2

Obsolete and redundant provisions should be deleted.

i. By-law provisions should reflect current planning objectives for the particular area.

ii. Outdated provisions should be repealed.

iii. Overlapping provisions should be revised so that each is self sufficient.

Principle 3

Provisions should be written and ordered in a clear way.

i. The By-law text should be written in plain language.

ii. Headings should be added to aid in locating provisions.

iii. Charts and tables should be used where possible.

iv. The numbering system should be consistent and based on that used in provincial statutes, i.e. Section 5, subsection (2), paragraph (a), clause (i).

v. Legal descriptions of areas should be replaced with maps or confirmed municipal addresses.

Principle 4

Definitions should be straightforward, non-cumulative and not contain standards.

i. Definitions should be revised to make each self sufficient.

ii. Standards should, where possible, be deleted from any definitions and relocated in the appropriate section.

iii. Definitions should be reviewed to ensure they are accurate from a legal standpoint.

iv. Obsolete definitions should be removed or updated.

v. Reference to provincial statutes should be deleted where feasible.

Principle 5

Exceptions should be organized so that they can be located easily.

i. An index system should be used to list the exceptions by confirmed municipal address.

ii. Area exceptions should be described in an Exceptions Section.

iii. Site specific provisions should be in site specific by-laws, so that they need not appear in the by-law text or maps but simply be referenced in the exceptions index.

Principle 6

Explanatory aids should be included in the By-law.

i. Explanatory diagrams should be inserted in the text where useful, with a notice that they are for information purposes only.

ii. An introduction to the by-law should be included explaining where information is located, how the sections are related and how the provisions work. It should not be part of the legal document.

Principle 7

Accessibility to by-laws referenced in the Zoning By-law should be improved.

i. The process for obtaining copies of amending by-laws should be reviewed to ensure that by-law copies are available in a reasonable amount of time.

ii. The City Clerk's Department should be requested to report on a more suitable location for the distribution of copies of amending by-laws.

Principle 8

The by-law format should be designed to accommodate variations as required.

i. Residential districts should be organized to permit additional districts and/or exceptions if the need arises.

ii. Distinct neighbourhood characteristics should be preserved.

Principle 9

The by-law review process should not inadvertently alter existing neighbourhood zoning provisions without carefully examining any potential impact.

i. The review process should not amend current area zoning policy without public participation.

PROPOSALS FOR RESIDENTIAL STANDARDS

3. PROPOSALS FOR RESIDENTIAL STANDARDS

The Task Force discussions centred on the application of the residential standards to houseform* buildings. The majority of the Committee of Adjustment and By-law amendments are for minor variances to the standards when attempting to alter, replace or construct a house. The main objectives for revisions to the residential standards should be to ensure that they:

(a) reflect the character of existing neighbourhoods;
(b) permit additions to houses that are compatible with the adjacent existing houses; and
(c) permit compatible new buildings.

The original authors of By-law 20623 appear to have anticipated considerable re-development occurring in the City, as the standards they adopted fail to reflect the form of existing housing. Therefore the standards are not appropriate for regulating renovation activity or for encouraging new houses to be constructed in conformity with the streetscape. The recommendations of the Task Force are designed to recognize the existing houseform buildings and to ensure that the type of development permitted is suitable for the neighbourhood.

3.1 Neighbourhood vs. General By-law

The Task Force discussed two major format options: (i) a neighbourhood by-law whereby the City is divided into sections, each with an individual by-law; and (ii) a by-law of general application throughout the City. Both formats in their purest form, present advantages and disadvantages.

There are two factors weighing in favour of a neighbourhood by-law format:

(a) the diversity of the building form from one neighbourhood to another; and
(b) the use of neighbourhood units in the Official Plan Part II** amendment process.

* Houseform - refers to dwellings that look like a traditional house (e.g. semi-detached or triplex) but does not include high rise apartment buildings.

** Official Plan Part II - part of the process of providing detailed land use planning for a neighbourhood involves the preparation of Official Plan amendments and subsequent zoning alterations to implement the policies.

The neighbourhood by-law format has drawbacks however. It requires many individual by-laws each containing much the same information, resulting in difficulties implementing and amending the by-laws. Also, the majority of these neighbourhood distinctions are related to the physical standards* regulating houseform buildings. However, this report recommends revising the standards to reduce significantly the number of variances required to renovate or build a home conforming with the streetscape. Therefore, accommodating the neighbourhood distinctions should not be a major problem as it has been in the past. The need for neighbourhood by-laws is thereby reduced.

The primary advantage of a by-law of general application is that it is easy to use. However, the present by-law, which is of this type, was not designed to accommodate neighbourhood variations by way of amendment. The proposed by-law structure, however, is organized to facilitate the introduction of neighbourhood distinctions. For example, both site specific and area exceptions are accommodated into the proposed by-law format in an organized manner, through the index of exceptions, the exceptions section (see section 3.2.1) and the expanded use of mapping. The result is an opportunity to provide detailed neighbourhood distinctions within a by-law of general application.

Unlike the physical standards, the permitted uses in the individual residential districts do not vary significantly. For example, a single family residence district in Forest Hill promotes detached houses just as a similar district does in the Beaches area. Therefore, no need exists to distinguish between neighbourhoods that have similar building forms.

The Task Force decided, therefore, to propose a format that combined the positive features of both options. The by-law should be of general application, with neighbourhood variations being accommodated as easily identifiable exceptions.

Recommendation:

A synthesis of both the neighbourhood and general by-law formats should be implemented, by accommodating neighbourhood distinctions in one general by-law.

* Physical Standards - include built form standards (i.e. setbacks, height, gross floor area, depth) and landscaped open space.

3.2 Format

3.2.1 By-law Exceptions

Currently there is no co-ordination in the organization of the exceptions. They are located in various sections of the By-law, making it difficult to locate all the By-law exceptions applicable to an area or a site. Also, many exceptions overlap or contradict others. Exceptions will always result from the need to reflect distinct neighbourhood or site characteristics and the objective of the Task Force is to propose a workable format for organizing them.

The format selected is an index, which lists confirmed municipal addresses and any applicable free standing by-law numbers and By-law exceptions. While there are certain problems associated with the index (e.g. determining a confirmed municipal address for a building with frontage on two streets), it is the optimum technique available. Therefore, all the applicable zoning information for a site outside of the general provisions contained in the by-law, are referenced in one section. Appendix C describes the use of the index of exceptions and provides an excerpt from its text.

All area exceptions are proposed to be in one exceptions section containing the text of all these exceptions. They should be referenced by provision number in the index of exceptions. Site specific provisions should not appear in this exceptions section as information pertaining to a single property need not be in the general by-law consolidation. Therefore Section 16(1) and (2) of By-law 20623 should be replaced by a single section, with the relevant area provisions organized chronologically. Many of the exceptions that are obsolete or of a physical standards nature, should be eliminated by the recommendations in this report. For example, exceptions such as those for minimum lot frontages could be shown on maps (see S.3.4.6).

The zoning maps currently show both area and site specific exceptions by illustrating their boundaries and providing the relevant section of the By-law where the exceptions are located. The proposed index of exceptions, however, should provide a more accurate method of determining the boundaries by providing the street numbers to which they apply. This, coupled with the fact that the maps are cluttered in some areas as a result of numerous site specific exceptions, indicates that this type of exception should not be illustrated on the maps. For area exceptions, however, displaying the information on the maps and referencing them in the index of exceptions is considered beneficial. The maps illustrate what restrictions apply in a neighbourhood and is useful to prospective buyers or developers.

The success of the exceptions strategy will rely on the updating process established for the index. It will be necessary to keep the index up to date at all times as it will probably be used as a reference book. One suggestion is that any index amendment be circulated at the same time as the area exception amendment. This circulation should be done in the same manner as the pink sheets currently used for by-law amendments pending Ontario Municipal Board approval. Also, the information in the Land Use File* on the City's computer system must be accurate during the time period in which the index is being updated.

The process for obtaining copies of the amending by-laws should be reviewed. Problems result from the distribution of this material in an obscure location in the basement of City Hall by the Records & Archives Division of the City Clerk's Department. The distribution method should be greatly improved if by-law copies were attainable from a more prominent location (e.g. second floor).

The Task Force considered the difficulties of incorporating the free standing by-laws that implement the Official Plan Part II amendments, into the By-law. It was decided that these By-laws should be studied to determine if they could be included in the text of any new by-law. Also, any future Official Plan Part II amending by-laws should be written so that they may be incorporated into the by-law format recommended in this report.

Recommendations:

1. The index of exceptions prepared under a previous by-law study should be used to reference all by-law exceptions under the applicable confirmed municipal address.

2. The text of the area exceptions should be provided in a single section, be referenced by the applicable municipal addresses in the index of exceptions and the affected area shown on the maps.

3. Site specific exceptions should cease to be described in the text or to appear on the maps. They should only be referenced in the index of exceptions. Site specific exceptions currently in the By-law, should be re-enacted as site specific by-laws.

* Land Use File - the City's computer system lists properties by confirmed municipal address and provides detailed land use information for each (e.g. zoning, building permits, etc.) and the information is used extensively by civic staff.

4. Obsolete and redundant exceptions in the present By-law should be deleted.

5. The by-laws implementing the Official Plan Part II amendments should be studied to determine if they can be included in the text of a new by-law. Also, any future Official Plan Part II amending by-laws should be written so that they may be incorporated into the by-law format recommended in this report.

6. The index of exceptions should be up to date at all times, as should the land use file on the City's computer system.

7. The City Clerk's Department should be requested to review the process of distributing copies of amending by-laws, both current and past. Copies should be distributed from a prominent location, preferably on either the first or second floor of City Hall.

3.2.2 Use of Tables and Diagrams

Many of the problems associated with the By-law stem from its use of lengthy sentences, paragraphs and legal jargon. In several instances the intent is obscured in excessive explanatory verbiage, making it difficult to determine the requirements of the provisions. This problem should be rectified through the use of tables and diagrams.

There are two general types of tables which may be used to convey zoning information. These tables display: (1) permitted uses and the applicable district; and (2) the required physical standards. Both types are endorsed by the Task Force and are used in formulating the recommendations.

1. Use & District Co-ordinate Table

Currently the by-law lists the permitted uses and any associated conditions, in each district. However, they are listed cumulatively, meaning that the majority of uses permitted in one district are also permitted in subsequent districts but are not specifically listed in the latter. To determine whether a use is permitted or if a condition applies, requires an often lengthy process of referring back several districts, reading each one and following the use or condition through each district to see if the requirements change.

To alleviate these difficulties, the Task Force recommends listing all the permitted uses and associated conditions in a single table, as illustrated in Sections (1) and (2) of Appendix A.

2. Standards Tables

The existing physical standards are difficult to interpret as they are cross-referenced and written in lengthy paragraphs. Proposals for revisions to these standards, discussed in section 3.4, simplify them to the point where they may be presented in chart format. These are illustrated in section (3)(a) of Appendix A, where the standards are listed by use and residential district.

Tables are also recommended for presenting the permitted encroachments into setback areas and the sign standards. These are illustrated in Appendix A, section (3)(d) and (4) respectively.

The advantages of a tabular format are as follows.

1. Each table includes, in a single location, the requirements related to a particular use district for specific standards, providing for accurate, simple and quick interpretation.

2. There is no need to read long and interrelated provisions often covering many pages and requiring cross referencing to other sections.

3. The bulk of the by-law is significantly reduced.

4. The cost of publishing and amending the by-law is reduced, possibly lowering the purchase price.

The incorporation of as many tables as required in a new by-law should contribute to greater clarity and go a long way to making the by-law understandable to infrequent users.

The use of diagrams to aid interpretation of the text was considered. It was decided that diagrams should be prepared where they would prove useful, for example, in illustrating the front, rear and side yard setbacks of a lot (see figures 2 and 3). However, because a diagram cannot always illustrate all the possibilities permitted by a provision, their use should be restricted to that of explanatory aids, not forming part of the actual text.

Recommendations:

1. Tables should be used to illustrate as much of the by-law information as possible.

2. Diagrams should be used where they would serve to supplement the text. However, it should be clearly stated that they do

not form part of the actual by-law but are for information purposes only.

3.2.3 Use of Maps

Increasing the use of maps is an important part of the format recommendations. As mentioned previously, maps permit neighbourhood variations to be identified. For example, much of North Toronto has minimum lot frontages mapped on an area basis. Some of the recommendations for the physical standards, such as depth, require limits to be based upon neighbourhood characteristics. The optimum method for presenting this information is on maps.

The Task Force promotes the use of as many maps as required to illustrate primary information. For example, the following items should be placed on the maps.

1. Use Districts
2. Density Zones
3. Height
4. Minimum Lot Frontages
5. Depth
6. Exceptions

The actual number and scale of the maps and the combination of items on each should be determined at a later date, in consultation with the Public Works Department, who are responsible for preparing the maps.

Currently, maps (primarily in the Central Area) are overcrowded with information. This causes interpretation problems. The Public Works Department has noted that some of these difficulties would be alleviated if site specific exceptions were not shown. Considering this and the fact that by-law users are primarily interested in the zoning information applicable to a street or area, the Task Force decided to recommend that only area exceptions be shown on the maps.

The distribution of the maps should be organized so that individual maps rather than an entire set may be purchased.

Recommendations:

1. The Commissioner of Public Works should be requested to report on the feasibility of increasing the information displayed on maps, to illustrate depth and minimum lot frontage requirements in addition to gross floor area, height, use and area exceptions.

2. The Commissioner of Public Works should consider decreasing the scale of the maps in areas where the information displayed is crowded, keeping in mind that any format should be easy to use. With the deletion of site specific exceptions from the maps, this may not be required.

3. Area exceptions should continue to be illustrated on the maps, while site specific exceptions should not.

4. The maps should be consistent in terms of organization and the information presented (considering recommendation #2).

5. The distribution of the zoning maps should be organized so that individual maps may be purchased, rather than the entire set for the City.

3.2.4 By-law Structure

The Task Force recommendations eliminate the need for individual sections describing each use district. Residential use and standards information (excluding parking and loading) should be located in a single section, because the provisions for each district are similar. Therefore, sections 6 to 11 of By-law 20623 which describe the current use districts, should be replaced by a single Residential District Provisions Section, of which Appendix A is a model.

The Appendix A format is conducive to a modular type by-law, whereby each section of the by-law is complete in itself and could be purchased as an individual booklet. The following chart illustrates the Task Force's recommendations for a modular by-law structure.

By-law Section	Subject	Explanation
Not part of the by-law	Introduction	-an explanation of how to use the by-law
An appendix to the by-law	Maps	-the maps would remain as a separate book, however, individual maps rather than the complete set could be purchased
1	General Information	-the listing of the symbols used in the text and the prevailing by-laws, and a general index to the entire by-law
2	Definitions	-the definitions as revised in accordance with Appendix D
3	General Provisions	-only the provisions applying to all districts (e.g. industrial, residential, mixed use), such as parking and loading

By-law Section	Subject	Explanation
4	Residential District Provisions	-all the provisions for the residential districts with the exception of those in the General Provisions Section -contents include: - use table & conditions - physical standards table - permitted projections table - signs table - density and landscaped open space
5	Commercial District Provisions	-all the provisions for the commercial districts organized similar to the format proposed for the residential districts.
6	Mixed Use District Provisions	-all the provisions for the mixed use districts organized similar to the format proposed for the residential districts.
7	Industrial District Provisions	-all the provisions for the industrial districts organized similar to the format proposed for the residential districts.
8	Other Districts	-provisions for the other districts (e.g. parks, gas stations) grouped together in one section but under separate headings
9	Area Exceptions	-the text of all the area exceptions referenced in the index of exceptions should be placed in this section
10	Index of Exceptions	-list of all municipal addresses in the City, with reference to applicable area specific exceptions and site plan by-laws

The above format provides the By-law user with a simple method for obtaining the appropriate information regulating development. The real advantage is that the format guides the user directly to the pertinent information. For example, someone building an extension to a house, could purchase the booklets for the General Provisions, Residential Districts, Definitions, the relevant pages describing any applicable exceptions and the zoning map showing the subject property.

The proposed by-law structure also makes an incremental format change possible. For example, the recommendations for changes to the residential districts contained in this report could be implemented by pulling out the existing provisions and replacing them with the Residential District Provisions Section (Appendix

A). The result would be a section dealing with residential uses, different in terms of format than the other districts in the by-law. However, this format difference would not have any adverse effects on the rest of the by-law as each use category stands on its own. The other districts could be reviewed one at a time and implemented in a similar fashion. For example, some effort is currently being made to review the industrial districts. This process should include a re-organization similar to that proposed for the residential districts. Once completed, the rest of the districts could be revised.

Section 6.2 outlines the advantages of the modular by-law structure over the current By-law.

Recommendations:

1. The by-law should ultimately be organized in a modular structure, where all information applicable to one zoning district would be in one section. The other sections would contain information applicable to all districts (i.e. definitions, general provisions and exceptions). The by-law consolidation should include:

   i. An introduction explaining how to find information. It should not be part of the by-law.

   ii. The zoning and height maps for the City contained in a separate book.

   iii. The general information section listing the symbols used, the prevailing by-laws and providing a general index to the entire by-law.

   iv. The Definitions section, including all definitions used in the by-law.

   v. The General Provisions section, including the truly general provisions such as parking and loading that apply to all districts.

   vi. A series of sections which include the provisions for types of districts: residential; mixed use; industrial; open space; etc.

   vii. The Exceptions section, providing the text of all area exceptions.

   viii. The Index of Exceptions, listing all municipal addresses in the City, with reference to applicable area specific exceptions and site plan by-laws.

2. Any effort to review the non-residential zoning districts should include re-formating in conformity with the recommendations contained in this report for residential districts.

3.3 Use Districts/Uses & Conditions

Research was carried out by a sub-committee of the Task Force to determine the number of distinct use districts which have been created by exceptions to the present seven districts. The sub-committee analyzed four alternatives for organizing the use districts, as follows:

1. creating additional use districts to accommodate current area exceptions;

2. organizing types of houseform buildings to create a uniform progression in the density of building forms (i.e. detached house district, detached house plus a semi-detached district, etc.);

3. maintaining the present use districts; and

4. reducing the number of districts by eliminating insignificant use differences.

The analysis led to a number of conclusions. First, many of the distinctions between present use districts are insignificant and do not justify the present number of use districts. An example of this is the difference between the permitted uses in the R1A and R1F districts. A double duplex (4 units) is permitted in an R1A district, but a semi-detached dwelling is not, while both are permitted in an R1F district. Also, apartments are permitted in an R1A district, however, the density limits in these districts do not permit a building much larger than the houseform buildings otherwise permitted in the district. Of the few R1A zones with apartments, the existing apartments exceed the permitted densities and are non-conforming in terms of the size of the building permitted.

A more appropriate zoning category for such areas with apartment buildings might be R2. The remaining portions of the R1A districts could then possibly be zoned R1F. The result would be a single district where the R1A and R1F categories are combined. This district could: (i) offer a diversity of smaller forms of housing to meet a variety of needs; and (ii) serve as a transition district between the very restrictive R1 district, where single unit detached dwellings are permitted, and the permissive R2 district, where all residential uses are permitted.

The same may be said for the R2 and R3 districts which permit the same uses (there are minor differences in the conditions attached

to a few of the uses) but at varying densities. The R4 and R4A districts cannot be combined as the latter permits a wide range of non-residential uses. However, few R4A districts remain as they have been undergoing a phasing out process over the past few years and are being rezoned to R3, R4 or CR districts, for example, depending upon what exists in the area and what the planning objectives are. The Task Force proposes to complete this process by replacing the few remaining R4A districts.

By amalgamating the current use districts as described, the number of districts was reduced from seven to four. Also, the number of conditional uses was reduced, as illustrated in Section (1) and (2) of Appendix A and detailed in Appendix B. The existing use districts should generally fold into the four proposed use districts, as displayed in the following chart.

DISTRICTS

Existing	Proposed
R1	RA
R1A, R1F	RB
R2, R3	RC
R4	RD
R4A	Rezoned as appropriate

These changes should have little effect on the existing district boundaries and permitted uses. Therefore the maps and text should be easily amended. It is important to note that this recommendation does not create new residential districts, in that there is no significant alterations to the permitted uses. It is simply a rationalization of the existing categories. As pointed out with the example of the R1A and R1F districts, each district may not necessarily fold into a new category as shown. The assistance of area residents will be required to identify areas with inappropriate zoning designations, to ensure that the phasing in of the new districts is as accurate as possible.

Currently some of the use districts contain area exceptions that apply to both use and physical standards. An example of this is the conversion policy for South Rosedale, which is located in the R1 district section of the By-law. It is recommended that this type of exception be: (i) relocated to the exceptions section; (ii) referenced in the index of exceptions; and (iii) placed on maps.

The detailed analysis undertaken by the Task Force on the use conditions focussed on deleting redundant and obsolete requirements and streamlining those that were similar. From the current permitted use districts thirty-two groups of conditions were identified. This number was reduced to ten without making any major policy changes. For example, there are numerous conditions for day nurseries that repeat those contained in the

Day Nurseries Act. By deleting the similar requirements from the By-law, the number of conditions is reduced but the Act guarantees they remain in effect. The Task Force recommendations for each use condition are contained in Appendix B.

Recommendations:

1. The current residential use districts should be amalgamated, with the exception of the R4A districts, which should be deleted and replaced with other appropriate zoning designations. This results in a reduction in the number of districts from seven to four. The R1 district should be titled RA, the R1A and R1F districts should be combined to form the RB district, the R2 and R3 districts should form the RC district, while the R4 district should be the RD district. All areas of the City might not fold into the recommended districts in this manner, as those with current inaccurate zoning designations should be identified and assigned more appropriate zoning.

2. The conditions attached to specific uses should be rationalized as described in Appendix B.

3. The permitted uses and any conditions should be illustrated in a table and list format, using the recommended four use districts, as illustrated in sections (1) and (2) of Appendix A.

4. Area exception provisions now included in the residential district provisions, should be: (i) relocated to the exceptions section; (ii) illustrated on maps; and (iii) referenced in the index of exceptions.

3.4 Physical Standards

3.4.1 Houseform and Apartment Buildings

A large portion of the residential building stock, particularly houseform dwellings, does not conform to the present By-law standards. This results in numerous applications to the Committee of Adjustment for variances. The objective of the Task Force recommendations is to create requirements that reflect the character of the street and adjacent houses, rather than apply the same requirements on a City-wide basis.

The Task Force recommends applying the same physical standards to apartments as for houseform buildings located in the same use district. The concept should encourage low rise apartments to be constructed in conformity with the houseform dwellings on the street, reducing the impact of smaller apartment developments in the lower density residential districts. This approach should not create difficulties for high rise apartments, as in recent years

any apartment building of this nature has proceeded by way of a rezoning.

Applying the houseform standards to existing apartments should not create any non-conforming apartments. The reason for this is the recommendation proposed by the Task Force to permit the replacement in whole or in part, of a residential structure regardless of any non-conformities to the physical standards (section 3.9). Section 6.1 also highlights how the Task Force recommendations avoid creating non-conforming uses.

Another factor which further encourages deletion of the existing apartment standards is the development review* process. When the apartment standards were introduced, development review did not exist. However, it is now in effect for the Central Area, the Yonge/St. Clair Area, as well as many other parts of the City, although it is potentially of City-wide application. Therefore, any apartments located in these designated areas are subject to comprehensive review by the City, including providing input into the siting, mass and design of a building. The By-law standards do not permit this flexibility.

Because all building types are proposed to be regulated similarly, only a single chart is required to compile the physical standards, excluding those appearing on maps. The chart should be located in the residential section of the by-law, as illustrated in section (3)(a) of Appendix A.

Recommendations:

1. Physical standards should be organized in chart form as illustrated in section (3)(a) of Appendix A.

2. Standards for all types of buildings should be consistent within the same district.

* Development Review - in certain parts of the City designated as site plan control areas, a builder must obtain approval of plans for development from Council, which may require that a Development Agreement be signed prior to the issuance of a building permit. Generally small projects like additions, private garages and non-residential additions under 1500 square feet are exempted while projects with less than 25 units are subject to limited review.

3.4.2 Minimum Front Yard Setback

Minimum front yard setbacks should permit: (i) renovation and new development in line with existing buildings along the street; and (ii) the reconstruction of an existing house. This approach should reduce the number of minor variance applications to the current 6 metre requirement.

The recommendation for minimum front yard setbacks is, to require a minimum setback equal to the lesser of:

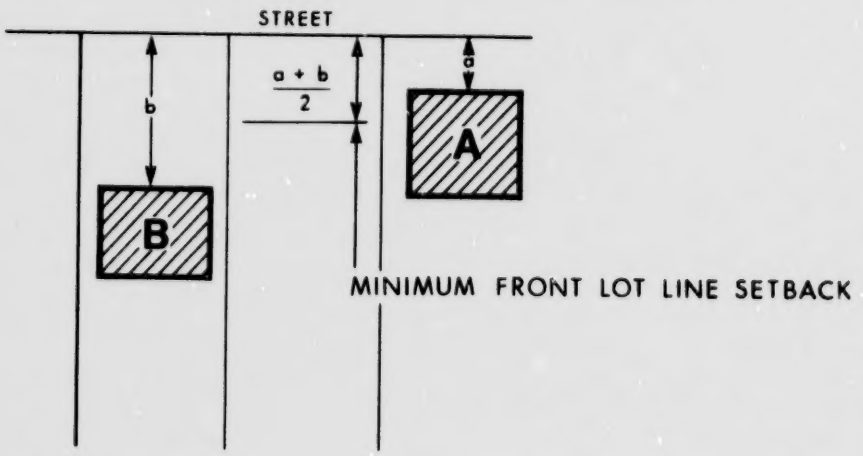
(i) the average of the front lot line setback of the existing residential buildings located on the adjoining lots (see figure two); or

(ii) the existing main front wall; or

(iii) 6 metres where the first two do not apply (e.g. where there is no adjacent lot).

This proposal is similar to the requirements for many areas of the City, introduced by way of the Part II Plan studies. Indeed, this proposal alone should make nine Section 16 exceptions redundant.

FIGURE 2 AVERAGING FRONT YARD SETBACKS



Recommendation:

Minimum front yard setbacks should be the lesser of:

(a) the average of the front lot line setback of the existing residential buildings located on the adjoining lots;

(b) the existing main front wall; or
(c) 6 metres where (a) or (b) do not apply.

3.4.3 Minimum Side Yard Setback

As in the recommendation for minimum front yard setbacks, it is recommended that the side yard setbacks recognize the existing walls as the permitted setback, thereby reducing the need for minor variances. This proposal is, of course, subject to the provisions of the Ontario Building Code. The Code regulates the separation distance between buildings and the property line, with this distance increasing in direct proportion to the percentage of wall space used for openings. Therefore, from a zoning standpoint, a side wall should be legal under this proposal. However, under certain circumstances it may not be recognized as such under the Code and any structural alterations could not occur until compliance with the Code could be shown.

The Task Force recommends that allowance be made to permit home owners to add insulation and the finish to the exterior walls of an existing dwelling, regardless of whether the walls currently violate the setback, or if by adding the insulation they would then be non-conforming. This recommendation is shown in the permitted projections chart in section (3)(d) of Appendix A. Some research is required to determine what limit should be placed on the size of the projection.

The present method of requiring larger minimum side yard setbacks for dwellings in the R1, R1A and R1F use districts should be retained and applied to the RA and RB districts. In the RC and RD districts where building types are more varied and the lots generally smaller, the minimum side yard setbacks need not be as great and the current limits should remain.

To avoid any interpretation problems, the standards should specify that the minimum side yard setback requirements do not apply to the common wall side of either a semi-detached dwelling, or a portion of row housing.

The Task Force decided that the minimum side yard setbacks for non-residential buildings should remain at 7.5 metres. This figure is also retained for any part of a residential building that extends beyond the permitted depth.

Recommendations:

1. The minimum side yard setback for any residential building in an RA or RB district should be the lesser of:

    (a) .9 metres, or
    (b) the existing side wall

except in the case of a residential building in an RC or RD district, where it shall be the lesser of:

(a) .45 metres, or
(b) the existing side wall.

2. A minimum side yard setback of 7.5 metres should be required when a residential building exceeds the permitted depth.

3. The minimum side yard setbacks should not apply to the side lot line on which a common wall is located for a semi-detached dwelling, or a portion of row housing.

4. Exterior additions for insulation purposes should be permitted, by including such in the permitted projections chart as illustrated in Section (3)(d) of Appendix A. Additional research should be done to determine what limit should be placed on the extent of the projection.

5. The minimum side yard setback for a non-residential building should be 7.5 metres.

3.4.4 Minimum Corner Lot Setbacks

A new method for governing corner lot setbacks is recommended for the following reasons. First, the Task Force has made the decision not to create separate minimum setback requirements for different residential building types. Second, the current By-law provision utilizes angular planes to establish corner lot setbacks for some residential building types. However, because the Task Force is recommending the deletion of angular planes (see S.3.4.7(a)), another form of restriction applying to corner lots is required.

In keeping with the previous minimum front and side yard setback recommendations, the corner lot proposals should acknowledge existing walls as the permitted setback. Therefore, it is recommended that the minimum front and corner side yard* setback of a building on a corner lot should be the lesser of:

(i) the existing corner side and front walls;

(ii) a distance equal to the front setback of the building on the adjoining lot; or

(iii) 6 metres where (i) and (ii) do not apply.

* corner side yard - is the side yard of a building on a corner lot, fronting on a street.

For the interior side yard*, the minimum setback should be equal to the requirements set out for the side yards of interior lots**, as noted in Section 3.4.3 (see Figure three).

It is necessary to draw a distinction between the corner side yard and the interior side yard, because the two may vary significantly. For example, if the corner side yard for a building was required to be 4 metres, then the interior side yard would need to comply also. The 4 metres is significantly greater than the .9 metres or .45 metres which might otherwise be required on an inside lot. Therefore, to maintain consistency in the standards, the interior side yard setback requirement for a corner lot should be the same as that required for the lot it abuts.

The 6 metre figure is selected where the first two requirements do not apply because for a corner lot, the corner side yard is in fact lined up with the front yards of the houses on the same street. Therefore, the 6 metre requirement retains the corner side yard setback in line with what the front yard setback of the houses fronting on the same street should be, where vacant lots exist.

Recommendations:

1. The corner side and front yard setback for a residential building on a corner lot in all residential districts, should be the lesser of·

   (a) the existing corner side and front wall;
   (b) a distance equal to the front yard setback of the adjoining lots for the corner side yards; or
   (c) 6 metres, where (a) and (b) do not apply.

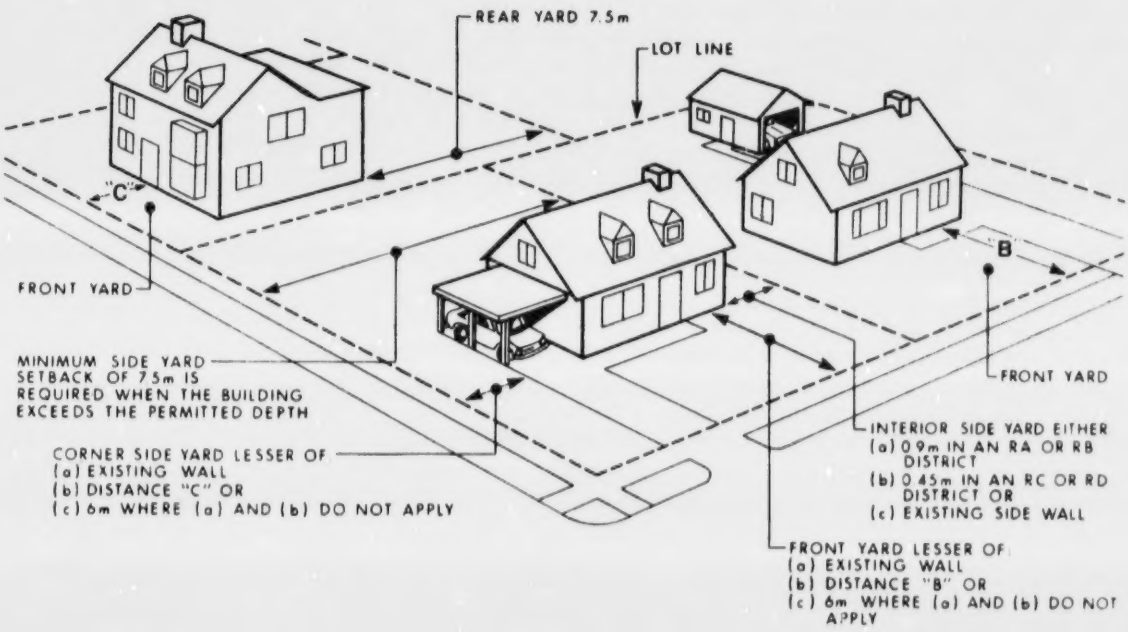
2. The interior side yard setback for a corner lot should be equal to the requirements set out for the side yards of interior lots.

3. New definitions for: (i) a corner side yard; and (ii) an interior side yard should be added to the by-law.

* interior side yard - is the side yard abutting the side lot line shared with the adjacent property.

** interior lots - are lots not located on a corner.

FIGURE 3 CORNER LOT MINIMUM SIDE AND FRONT YARD SETBACKS


REAR YARD 7.5m
LOT LINE
"C"
FRONT YARD
MINIMUM SIDE YARD SETBACK OF 7.5m IS REQUIRED WHEN THE BUILDING EXCEEDS THE PERMITTED DEPTH
CORNER SIDE YARD LESSER OF
(a) EXISTING WALL
(b) DISTANCE "C" OR
(c) 6m WHERE (a) AND (b) DO NOT APPLY
B
FRONT YARD
INTERIOR SIDE YARD EITHER
(a) 0.9m IN AN RA OR RB DISTRICT
(b) 0.45m IN AN RC OR RD DISTRICT OR
(c) EXISTING SIDE WALL
FRONT YARD LESSER OF
(a) EXISTING WALL
(b) DISTANCE "B" OR
(c) 6m WHERE (a) AND (b) DO NOT APPLY

3.4.5 Minimum Rear Yard Setback

No major problems related to the current minimum 7.5 metre setback requirement for rear yards were identified. Rear yard setbacks are intended to: (i) ensure that sufficient open space exists on the lot; and (ii) to regulate the depth of buildings. The requirement guarantees a private recreation space protected from overshadowing by adjacent buildings. Therefore, this space should be preserved.

Recommendation:

The present restriction of 7.5 metres for minimum rear yard setbacks should be retained.

3.4.6 Minimum Lot Frontage

As with many other physical standards, the current minimum lot frontage restriction of 6 metres is not appropriate throughout the City. In fact, many areas, particularly north of Bloor Street, currently have individual minimum lot frontage requirements shown on the zoning maps. The mapping of lot frontage restrictions is

recommended for the rest of the City where the 6 metre requirement does not correspond to what exists.

It is anticipated that the entire City will not be covered by local requirements, therefore, the general 6 metre figure must be retained. Where area minimums are shown on the maps, they should prevail over the 6 metre provision. The by-laws implementing the minimum requirements should be listed in the index of exceptions.

Minimum standards should continue to be established for an area only when there is a request from the residents and a study justifies it.

Recommendations:

1. Where the 6 metre minimum lot frontage requirement is not appropriate, a standard based upon what exists in the area should be determined by an area study. These studies should only be undertaken when requests for such are made by local residents.

2. Minimum lot frontage requirements should be shown on maps as area exceptions.

3. A 6 metre general requirement for lot frontages should be retained to apply to areas not covered by local standards.

3.4.7 Height

(a) Angular Planes

There are presently two types of angular planes: (i) those measured from the lot lines, intended for the protection of light and privacy of adjacent lands; and (ii) those which regulate the relationship between two parts of the same building on a single lot. They are imaginary lines drawn at specific angles (e.g. 60 degrees) to form an envelope which a building is not permitted to project through, except in certain instances.

The angular plane provisions are no longer required for the following reasons:

1. They have always been extremely complex and difficult to interpret.

2. In practical application, few high rise buildings, which angular planes were designed to regulate, have ever conformed to the requirements. Also, they serve no constructive purpose when applied to low rise residential development.

3. Many of the other yard requirements address the objective of angular planes and are easier to use. These include landscaped open space, gross floor area, setbacks, depth and height maps.

4. The development review process provides the opportunity to regulate the location and height of high rise development.

5. The angular plane exemption height of 9.2 metres is contradictory with the height limit established on the maps. Therefore, variances are required even when the building is under the height limit.

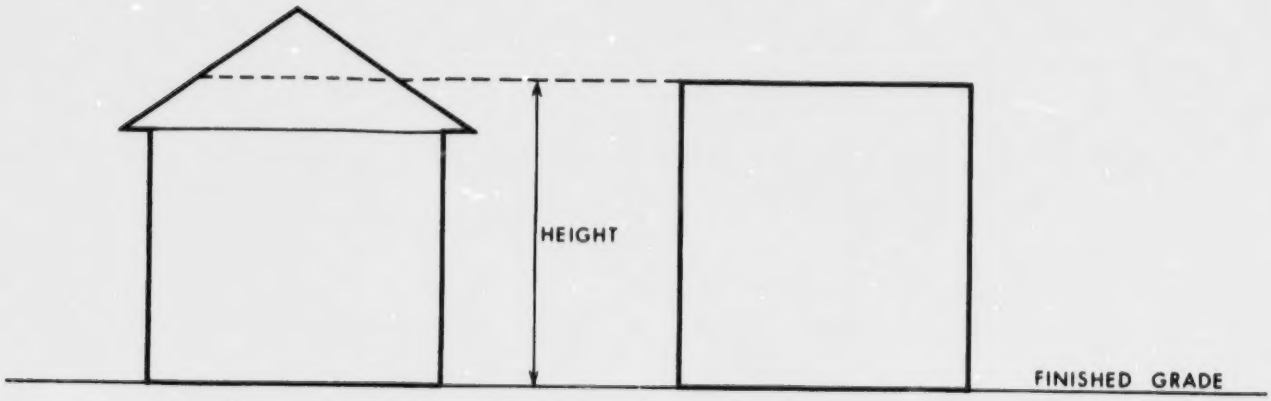
The Task Force unanimously agreed that the present complex system of angular planes should be deleted. However, if angular planes were deleted, those areas of the City where height maps do not exist would not be under any direct height control. Therefore, an interim requirement must be retained while height maps are prepared for these areas. It is suggested that 10 metres be used as the interim control measure, representing the average height restriction of single family homes, the most restrictive form of residential building. The interim control should be deleted once the height maps are complete.

The 10 metre limit should not create any difficulties for two reasons. First, most of the City where high rise buildings are permitted is covered by height maps which should prevail over the 10 metre limit and the few areas not covered could be completed quickly. Second, any buildings of excessive bulk would normally be required to go through the rezoning process to obtain an exemption for a higher limit.

(b) Measurement

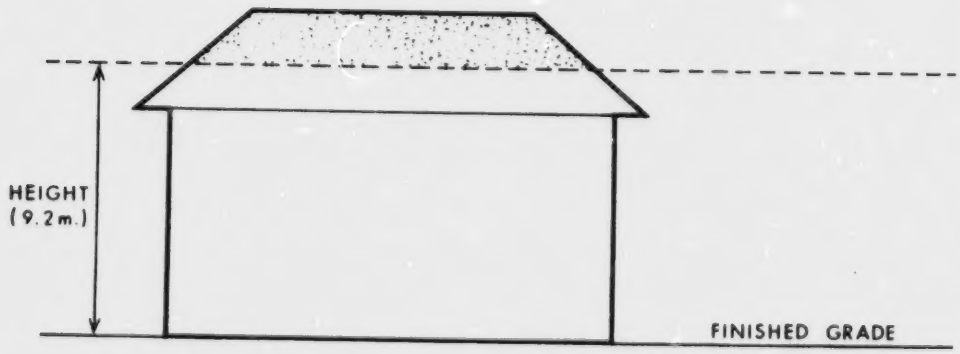
The problems associated with the measurement of the height of a roof are related to the current definition of height contained in s.4(4)(g) of the By-law. Height is defined as, "in the case of a pitched-roof building, the mean height level between the eaves and ridge and in the case of any other kind of roof, the highest point on the roof" (see figure four).

FIGURE 4 PRESENT MEASUREMENT OF HEIGHT



If a roof is designed with portions sloping towards the front and rear with a flat section in the middle, height is no longer determined by the mid-point of the distance between the eaves and ridge, but is measured to the flat portion, which is higher. Anything exceeding the maximum height limit (e.g. 9.2 metre angular plane requirement) is not permitted. Therefore, in figure five, the shaded portion of the roof is illegal because the entire roof is not a pitched-roof. The point to be made is that such a roof takes on the appearance of a pitched roof when viewed from street level, provided the sloped portion has an adequate pitch.

FIGURE 5 MEASUREMENT OF ROOFS WITH FLAT MIDSECTIONS



Given the shaded portion in Figure five is not exempted from the height limit when the dwelling is constructed to the maximum height, there is no incentive for a builder to provide any sloped portion because of increased costs. Instead, a box-like structure similar to that illustrated in Figure four may be constructed. The Task Force would like to avoid this type of structure as the majority of the houses in the City have sloped roofs.

The problem could be solved by creating a height measurement technique that encourages sloped roofs, even if the roof has a flat section as illustrated in Figure five. Any solution, however, must ensure that the roof will appear to be sloped when viewed from the street and the rear and consider the potential for over shadowing the adjacent lots. No alteration is proposed to the current technique for measuring the height of a pitched roof dwelling.

Recommendations:

1. Angular plane provisions should be deleted and replaced with appropriate height and setback provisions.

2. Height limits, as shown on the height maps, should be used except where height maps do not presently exist, in which case an interim height control of 10 metres should be established until the height maps are completed.

3. The definition of height should be amended so that sloped roofs are encouraged at the front and rear, even if a flat section is part of the design, provided that when viewed from the street and rear, the roof appears to be a pitched roof.

3.4.8 Depth

The current depth limits often have no relationship to existing buildings, resulting in numerous minor variance applications. Many techniques were studied prior to the introduction of the current controls, including averaging rear yard setbacks. However, these alternatives either led to inequitable building depths for neighbouring houses, or failed to account for the existing depth.

To create a control which recognizes the depth of existing houses, the only option is to establish depth limits on a neighbourhood basis through area studies. The limits could then be mapped in a manner similar to minimum lot frontages. However, a general depth restriction will have to remain temporarily in the by-law until such time as the mapping is complete.

The Task Force also discussed the relevance of depth restrictions in the higher density districts. Part of the discussions included an Ontario Municipal Board decision on the City's attempt to control the depth of apartment buildings. In this decision, the Board members suggested that a depth control was not important in Z4 and Z5 density zones, due to the nature of the intense development these areas are designed to promote. The Task Force supports this strategy and recommends mapping area depth restrictions for the current Z1, Z2 and Z3 zones of the proposed RA, RB and RC districts (there are no areas presently zoned higher than Z3 in the RA (R1) and RB (R1A and R1F) districts). No depth requirements should be established in the RD districts.

Where depth limits do not apply, rear yard setbacks should govern. For major developments, site plan control can be used to ensure that a building is located in an acceptable manner.

It is important to establish depth limits that do not prevent rear additions of a reasonable size to an existing dwelling. City staff in consultation with area residents should establish the size of what is considered a reasonable addition and the revised depth limits should reflect this.

Another issue relates to the point at which depth is measured. Given the proposed changes to the minimum front yard setback provisions, depth should be measured back from the minimum front setback of the existing dwelling or for a new dwelling, the average of the buildings on the adjacent lots.

Recommendations:

1. Depth restrictions should be established on a neighbourhood basis to reflect the average depth of buildings in a particular area. Such restrictions should be the result of area studies, conducted on a priority basis.

2. Depth requirements should not be applicable in an RD district, or in any Z4 or Z5 density zone.

3. Depth limits should be shown on maps.

4. The present general depth restrictions should be retained only as a temporary measure in the areas for which depth maps are not prepared. As depth maps become available, the maps should prevail over the interim control. Once the entire City is covered by the maps, the interim control should be deleted.

5. Depth should be measured from the minimum front setback as determined by the existing main front wall of a dwelling, or in the case of a new dwelling, the average of the buildings on the adjacent lots.

6. Any depth limits should not prevent a reasonable addition to the rear of an existing dwelling, as determined through consultation with the area residents.

3.4.9 Gross Floor Area

There are two problems with the current gross floor area restrictions. The first concerns the wording of the definition which is confusing, resulting in both: (i) interpretation problems; and (ii) methods for obtaining unanticipated building bulk. The second problem relates to the current density limits which often prohibit small additions that are compatible with the neighbourhood, while in other areas excessive additions are permitted.

(a) Retention of Gross Floor Area as a Bulk Control for Houseform Buildings

Initial discussions of the Task Force dealt with the issue of whether gross floor area should be retained as a bulk control for houseform buildings or not. Part of this discussion included analysis of various alternatives for controlling building bulk. The options considered were either modifications of the current floor area system, or relied upon other building controls.

The arguments against retaining gross floor area focused on the difficulties created by the current system. One problem occurs on smaller lots where gross floor area may act like a second system of controls. On these lots, it may occur that the yard controls establish a building envelope that restricts the bulk of a building below the permitted gross floor area limits. Therefore, in some instances, one regulation permits a building of a given size while another prohibits it.

Considering the impact of yard controls on regulating the building bulk on smaller lots, it was suggested that the setbacks, depth, height, etc., could replace gross floor area. Further, the advocates of this technique suggested that on lots of less than 15 metres frontage, these controls are already in effect. More information is required on this alternative to determine how it treats lots in excess of 15 metres frontage.

The case for retaining gross floor area is that most of the current problems should be alleviated by: (i) revising the definition for purpose of clarity; and (ii) adjusting the limits in those areas of the City where they create problems. It was pointed out that gross floor area is an equitable system in terms of its application to buildings in similar density districts and

to lots of different sizes. If defined clearly, gross floor area does provide a degree of certainty about potential building bulk, maintaining uniformity across a neighbourhood. Also, any shift away from gross floor area to another system would require significant changes to the City's planning program which is based on gross floor area.

It was generally agreed that gross floor area should be retained, provided that amendments are made to the definition, permitted limits, etc. However, some of the members suggested that gross floor area should be replaced by a bulk control system based upon a sliding scale of yard controls. The Task Force decided, therefore, to obtain public comment on both alternatives (see Appendix F).

(b) Special Purpose Exemptions

The primary reasons for the difficulties interpreting the gross floor area definition stem from the many uses of interior space that are exempted from the total area. Examples of these include children's play area*, laundry facilities, parking, etc. While some of these exemptions are intended, others have produced unanticipated results, most noteably the use of children's play area to build larger houses.

The Task Force agreed that if gross floor area is to be retained, then these exemptions, excluding the required parking and voids**, should be removed to: (i) simplify the method of calculating density; and (ii) make the building bulk more predictable. Parking should be exempt as it is not habitable space. Voids, which could be filled in as floor area, should not count because they do not add any significant amount of potential floor space and are very expensive to construct.

(c) Revised Definition

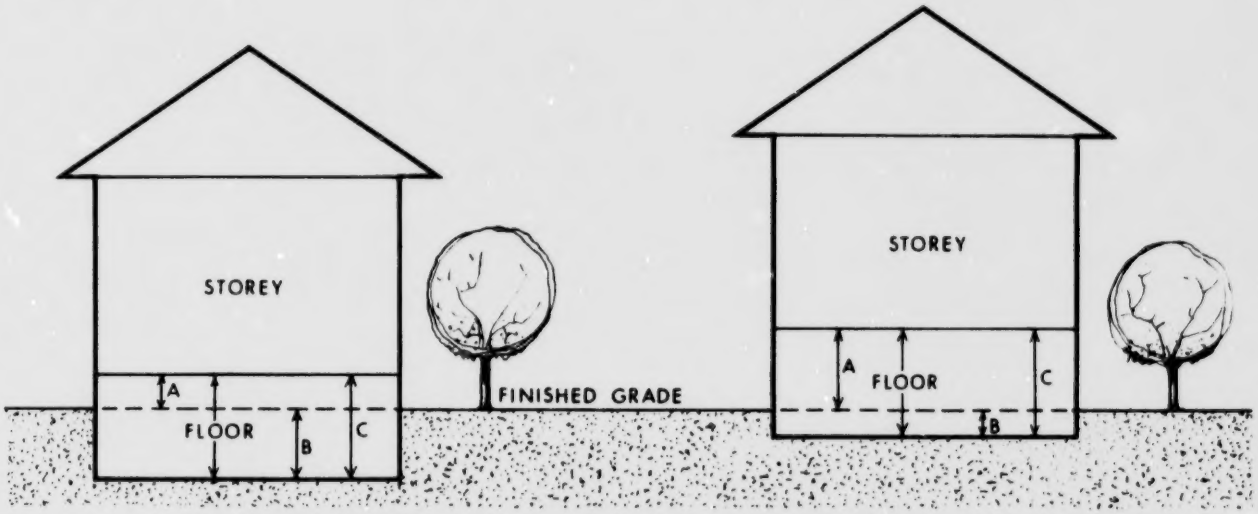
The Task Force agreed that the gross floor area definition required changes to clarify interpretation problems. The option which offers the most potential is based upon the creation of two zoning definitions distinguishing between a cellar and a basement. The

* Children's Play Area - floor space located 15 centimetres below grade and used as a children's play area, is exempted from gross floor area totals.

** Voids - are created when the floor to ceiling height is such that two floors could be constructed rather than one.

distinction made is that the mid-point of the floor to ceiling height of a basement is above grade and of a cellar, below grade. Grade should be determined in accordance with the definition of the term in the Ontario Building Code. Basements should be included in the gross floor area total, while cellars should be exempt (see Figure 6). Under this definition it is believed that the majority of the houses in the City have cellars, not basements.

FIGURE 6 CELLAR AND BASEMENT DEFINITIONS



WHEN 'A' IS LESS THAN 'B' THEN 'C' IS A CELLAR

WHEN 'A' IS GREATER THAN 'B' THEN 'C' IS A BASEMENT

This recommendation adds to the clarity of the definition and offers the least opportunity for unintended results. Also, it indicates the belief of the Task Force that alterations to the interior of an existing building should not create a non-compliance situation requiring a minor variance. This is especially true of a cellar as the bulk of the building is not affected. (The impact of the definition is detailed in Appendix F). Further research is required to determine the impact of the basement/cellar distinction on both new and existing houses.

(d) Area Studies

In many areas of the City current gross floor area limits are lower than the existing floor space of the majority of houses. To alleviate this problem the Task Force recommends that studies be undertaken in these areas and other parts of the City where the limits are too high. The objective is to create density limits which reflect the current built densities and permit additions which do not create a negative impact upon adjacent properties.

Any density limit established for an area should be representative of at least 70% of the houses and be determined in conjunction with the proposed area depth limits. Area residents should be consulted in setting appropriate limits.

There is a possibility that these studies may create a need for more density categories. It is recommended, therefore, that the density designators should have numerical components that show the permissible gross floor area. For example, a Z1 designation should read Z 0.35.

As part of the area studies, it may prove useful to sample representative areas to determine whether or not the bulk control alternative to gross floor area is effective in limiting building bulk.

(e) Increase in the Permissible Gross Floor Area for New Houses/ Existing Houses

The Task Force expressed some concern over the effect the basement/cellar distinction may have on new houses. In particular, the discussions focused on whether or not new houses should be compensated for the deletion of all the special purpose exemptions. It was noted that many of the exemptions, such as laundry space, were in fact reasonable exemptions which should be acknowledged. The exemption for children's play area, however, was not seen by all the Task Force members as being an exemption for which compensation should occur, because it has been utilized in the past to achieve building bulk which overpowers a neighbourhood.

The majority of the members thought 15% more gross floor area for new houses should be adequate compensation. Other members suggested a downzoning could occur as this figure was not enough to: (i) replace the exemptions; or (ii) compensate for situations where basements are constructed and counted as floor space, whereas if a cellar was built, it would be exempt.

The discussions raised a number of points upon which the Task Force considered it appropriate to obtain public input, prior to making any recommendations for an overall solution. These issues are summarized as follows.

1. Should there be a definition change using the basement/cellar distinction in the short term to clarify gross floor area interpretation problems, accompanied with some form of compensation for the removal of all or part of the special purpose exemptions. Also, the maximum gross floor area limits would be adjusted over a longer term.

2. In the alternative to the preceeding paragraph, the present gross floor area system could be left as is, until a new definition is implemented at the same time as the revised limits established by the area studies. These area studies could then take into consideration:

   (i) current inappropriate density categories and appropriate revised limits which include allowance for reasonable additions;

   (ii) the changes required by any new definition; and

   (iii) any compensation for deletion of special purpose exemptions.

A concern expressed about any density increases was that they should not encourage the demolition of existing buildings in order to construct new houses of a higher floor area. Also, the density limits in the Official Plan may have to be adjusted to reflect the changes brought about by a definition change. Therefore, an Official Plan amendment may be required in respect to the Low Density Residence Areas.

Some of the recommendations on these issues have been agreed upon by all the members, while others are conditional upon the retention of gross floor area. There are also a number of issues which have been left outstanding, with the intention of obtaining comments from the public to aid in future discussions. Therefore, the recommendations reflect both the decisions made and the issues yet to be decided.

Recommendations:

1. Many of the Task Force members agreed that gross floor area should remain as a bulk control, while others suggested an alternative based upon yard controls. The Task Force has

decided to consider both options and any other alternatives presented to them during the public consultation phase.

2. Should gross floor area be retained as a bulk control, then the Task Force recommends that the definition should be clarified to delete the current special purpose exemptions with the exception of the required parking space(s) and voids.

3. As a proposal requiring further investigation, the Task Force recommends that two new zoning definitions be placed in the By-law to aid in distinguishing between a basement and a cellar. Basements should be included in the gross floor area total and be defined as having the mid-point of the floor to ceiling height above grade. Cellars should be exempt from the total and be defined as having the mid-point below grade. Grade should be determined in accordance with the definition of the term in the Ontario Building Code.

4. Where present gross floor area limits are either too permissive or restrictive, studies should be undertaken to establish appropriate limits encouraging the existing scale of the street. Revised limits should allow for a reasonable addition and be representative of at least 70% of the houses within the defined boundaries of that area.

5. Public input should be requested on the following issues:

    1. Should there be a definition change using the basement/cellar distinction in the short term to clarify gross floor area interpretation problems, accompanied with some form of compensation for the removal of all or part of the gross floor area special purpose exemptions. Also, the maximum gross floor area limits would be adjusted over a longer term.

    2. In the alternative to the preceeding paragraph, the present gross floor area system could be left as is, until a new definition is implemented at the same time as the revised limits established by the area studies. These area studies could then take into consideration:

        (i) current inappropriate density categories and appropriate revised limits which include allowance for reasonable additions;

        (ii) the changes required by any new definition; and

        (iii) any compensation for deletion of special purpose exemptions.

6. Any definition change and/or density increase should be analyzed to ensure that existing and new houses are dealt with in an equitable manner.

7. The current density designations should have numerical components that show the permissible gross floor area (e.g. Z1 should be Z 0.35).

8. A report should be prepared outlining the implications any gross floor area definition change has on the Official Plan densities for Low Density Residence Areas.

3.5 Landscaped Open Space

The current definition of landscaped open space creates some difficulty in determining what is and is not included in the calculation (see Appendix D). In accordance with previous by-law format proposals, the minimum requirements should be re-located to the proposed residential section of the by-law, as shown in section (3)(c) of Appendix A.

Recommendations:

1. The minimum landscaped open space requirements should be located in the proposed residential section of the by-law, as shown in section (3)(c) of Appendix A.

2. The definition of landscaped open space should be revised to solve current problems of interpreting what is defined as landscaped open space, as noted in Appendix D.

3.6 Parking

One problem was identified related to the parking provisions in the By-law. At present, the By-law permits parking in front of the main front wall of a house on a casual basis only, except in the case of widening mutual driveways or front yard parking. Despite the restriction, motor vehicles are regularly parked illegally on the portion of the driveway in front of the house.

It is proposed to recognize the current illegal parking activity by permitting the parking of motor vehicles in front of the main front wall of the house, for other than casual purposes. However, to ensure that no driveway widening occurs, resulting in a reduction of front yard landscaping, the motor vehicle should be parked on a legally constructed driveway. This recommendation should not be construed to mean that front yard parking is now permitted, as any required parking space(s) will still have to be located behind the main front wall of the house.

Recommendation:

Parking should be permitted in front of the main front wall of a house for other than casual purposes, provided that any motor vehicle is parked on a legally constructed driveway and is wholly on the lot. Any required parking spaces must still be located behind the main front wall of the house.

3.7 Signs

The problems with the existing sign provisions are: (i) their location in different sections of the By-law; and (ii) they are contained in long paragraphs. To make implementation simple, the provisions should be grouped into a table format, as illustrated in section (4) of Appendix A.

Recommendation:

The residential sign standards should be contained in a sign table, to be located in the recommended residential districts section of the By-law, as illustrated in section (4) of Appendix A.

3.8 Change of Use

Presently buildings that are non-conforming in terms of physical standards, can only be converted to another permitted use in the same residential district, with a variance from the Committee of Adjustment. If the degree of non-conformity remains the same, or is reduced, the change in use should be permitted as the building is being either left as is, or is more in conformity with the By-law.

This recommendation should be limited to residential uses only. For example, if a retail use were permitted in an RC district, a duplex dwelling house which does not conform to the setbacks should not be able to convert to that retail use without a variance.

It should be noted that this recommendation applies only to those standards regulating the placement and bulk of the building. The other standards like parking, for example, would still apply.

Recommendation:

The change of use of a residential building should be permitted, provided:

(i) the conversion is to another residential use permitted in that residential district;

(ii) that any non-conformity with respect to the physical standards does not increase; and

(iii) that other by-law requirements are met.

3.9 Replacement of Non-Conforming Residential Buildings

Presently a residential building that is non-conforming may be replaced only under certain conditions related to Acts of God. The Task Force recommendations regarding the physical standards are designed to permit what presently exists. The recommendation to permit the replacement of a residential building, provided any non-conformity with the physical standards does not increase, is an extension of this intent.

Any replacement of a building would be subject to the provisions of the Ontario Building Code. Therefore, should a building not conform to the Code, then some alterations would be required before the replacement could be permitted.

Recommendation:

The replacement of a non-conforming residential building should be permitted provided:

(i) the provisions of the Ontario Building Code are complied with;

(ii) any non-conformity with the applicable physical standards does not increase; and

(iii) the foundation is located in the same position as that of the former structure, except where alterations are made to conform with (i).

3.10 Residential Definitions

The definitions affecting residential provisions were individually reviewed. Many of the definitions are obsolete, some defined terms refer to other definitions (e.g. one family dwelling house means a dwelling house), while others refer to Provincial Statutes that are no longer applicable (e.g. public museum). Some terms are not defined but set out applicable standards (e.g. swimming pool), while others are not found in the definitions section. A number of recommendations designed to alleviate these problems were made and are set out in Appendix D.

Some of the present definitions related to building types may be altered as a result o' the recommendations contained in the Affordable Housing Task Force Report. These will be reviewed by the Task Force when they become available.

Recommendations:

1. All definitions should be located in the definitions section.

2. The definitions related to residential uses should be revised as outlined in Appendix D.

3.11 Affordable Housing Task Force

The Task Force has been requested to report on the recommendations of the Mayor's Task Force on Affordable Housing. The Affordable Housing Task Force recommendations will have a direct impact on the conversion policies in the residential districts. However, the amendments have not yet come forward in draft by-law form. When the draft by-law is completed, the Zoning By-law Task Force will be able to assess the impact upon the recommendations contained in this report. Until that time, the recommendations simply refer to the Affordable Housing Task Force, stating that their report will be reviewed once the draft by-law is circulated for comment.

Recommendation:

The Task Force should submit comments on the recommendations of the Affordable Housing Task Force, once the draft by-law has been finalized.

SWANSEA/FOREST HILL BY-LAWS

4. SWANSEA & FOREST HILL BY-LAWS

The free standing By-laws for Swansea and Forest Hill indicate the problems associated with a neighbourhood by-law approach. Perhaps the most visible problem is the circulation of notice of amendments. Recently an entire page of a local paper was dedicated to amending three By-laws for the same reason, as opposed to one.

The content of the Swansea and Forest Hill By-laws is very similar to that of By-law 20623 and could easily be incorporated into a single by-law. In fact, considering that the recommendations of this report are directed to creating a by-law that accommodates neighbourhood variations, the By-laws should be incorporated into the City's By-law. The recommended format ensures that any special policy in either By-law should be retained in any new zoning by-law.

The distinctions relating to the physical standards contained in these by-laws should be treated the same way as proposed for standards applicable to the rest of the City. For example, the minimum lot frontages in Swansea would be illustrated on the maps. Any area use difference, for example, a condition attached to a residential use, would be listed in the exceptions section and referenced in the index of exceptions.

Considering the opportunity to improve access to by-law information provided through the recommendations of this report, the Task Force endorses the principle of amalgamating the three By-laws. It is suggested that a staff report be prepared, examining in detail how this can be implemented.

Recommendations:

1. The Forest Hill and Swansea Zoning By-laws should be incorporated into the format recommended in this report, to form a single by-law to apply to the entire City.

2. A staff report should be prepared to examine how the preceding recommendation can be implemented.

IMPLEMENTATION

5. IMPLEMENTATION

5.1 Public Participation

The Task Force encourages all interested individuals or groups to participate in formulating revised residential zoning provisions. To facilitate public discussion, this report will be distributed to all interested organizations. The Task Force will then advertise and hold public meetings.

The recommendations of this report will be revised should serious objections result from the discussion process. The end product should be a concensus of all parties concerned.

Recommendations:

1. Copies of this report should be distributed to all residents organizations, business associations, etc. on the City's mailing list. Also, copies should be made available to the general public on request.

2. The Task Force should hold public meetings to solicit comments on the recommendations of this report. These meetings should be well advertised in advance.

5.2 Phasing in the Residential District Provisions

Section 3.2.4 outlines the by-law structure which the Task Force would like to see implemented. However, because its mandate is limited to the organization and substance of the residential provisions, the recommendations are mainly to restructure those sections. In some instances other use categories are affected, such as with the restructuring of the organization of exceptions.

Due to the nature of some of the recommendations, the implementation is divided into both short and long term work plans. The short term plan includes those changes which can be implemented now. This plan should involve establishing the new residential districts section by relocating the residential provisions and implementing the recommended four use districts. The long term changes require more time because special studies are needed to establish appropriate standards. Both programs are outlined below.

i. Short Term

1. An introduction describing how the By-law works should be added to the by-law consolidation. It should not form part of the actual text of the by-law.

2. The provisions for the recommended four use districts as illustrated in Appendix A should be introduced to replace sections 6 to 11 of By-law 20623. The maps should then be amended to reflect the new categories.

3. The index should be expanded to detail where the major terms and regulations can be located.

4. Some of the proposed changes to the definitions, as outlined in Appendix D, should be implemented to coincide with the text alterations.

5. The provisions in section 4 of By-law 20623 that refer to the residential buildings should be deleted, excluding the parking and loading provisions. These provisions should then be re-located to a new residential districts section, as illustrated in Appendix A.

6. All exceptions, including those in the general provisions and use district sections and sections 16(1) and (2), should be relocated as follows:

   a. site specific exceptions should be deleted from the text and the by-law numbers referenced in the index of exceptions;

   b. the text of all area exceptions should appear in an exceptions section and be referenced by municipal number in the index of exceptions; and

   c. obsolete provisions should be deleted and overlapping provisions amalgamated.

8. The index of exceptions prepared under a previous by-law study, should be implemented in conjunction with the text alterations recommended for the exceptions.

ii. Long Term

1. Area studies should be undertaken leading to the establishment of area standards displayed on maps for:

   a. depth, excluding the RD district and Z4 and Z5 zones;

   b. appropriate change to gross floor area limits;

c. minimum lot frontages, where requested by a neighbourhood; and

d. height, where the maps do not currently exist.

2. The interim controls contained in the residential district provisions section should be repealed as the maps are completed.

3. The revisions to the definitions not completed over the short term implementation should be finished.

4. Revisions to the non-residential districts should provide a similar format and policy review as recommended and undertaken for the residential districts.

The format of the recommendations permits the replacement of individual sections of the by-law with new subject modules. Such a technique avoids the potential drawbacks of adopting at one time, a revised by-law for all the use categories. Undertaking the review process in sections focuses attention on a single theme (e.g. residential or commercial), which should reduce the time required to implement a by-law.

The Task Force has not developed a strategy for incorporating any by-laws implementing its recommendations into By-law 20623. This matter is more appropriately dealt with by staff who are requested to report on this matter.

Zoning amendments have been enacted since the Task Force drafted their recommendations and there will probably be more. Such amendments should, where applicable, be incorporated into any revised by-law.

Recommendations:

1. The current by-law should be amended so that the recommendations of this report are implemented in the manner described above, for both the short and long term work plans.

2. Future reviews of the non-residential districts should include reformating of the provisions in accordance with the by-law structure outlined in section 3.2.4.

3. Staff should report on the optimum legal process for incorporating the Task Force recommendations into the existing by-law.

5.3 Area Studies

The recommendations of the Task Force include that staff undertake area studies to determine appropriate physical standards representative of existing dwellings (e.g. depth, height, density). The value of determining standards on an area basis has been demonstrated in the past, such as through the creation of height maps and area minimum lot frontages. The methods employed in establishing these standards should be used to implement the proposed area studies. For example, many of the area minimum lot frontages were requested by ratepayer organizations and the same approach should continue.

Such a process is not applicable to depth, however, as the Task Force has recommended deleting the City-wide requirement and establishing area limits based upon neighbourhood studies. It is also recommended that depth should not apply in certain areas. Therefore, the task of identifying study areas is reduced.

For gross floor area, the neighbourhoods of immediate concern may be identified by reviewing variance applications. Work could progress on a priority basis establishing area density limits which, dependent upon the area, would either increase or decrease current limits. The information on the Land Use File on the City's computer system should prove helpful. For example, the information on the size of houses in a specific block could easily be displayed, comparing the existing gross floor area to the limit set on the zoning maps. The average of the houses could then be compared, to establish a suitable area maximum.

In all the required area studies, participation by residents should be encouraged. This input should provide useful information on what the current problems are and what revisions should be made to the standards.

Recommendations:

1. Where area studies are to be undertaken, the input of local residents should be encouraged.

2. The City's computer Land Use File should be used to simplify the study of area characteristics.

3. Staff should prepare a methodology to be used for undertaking the proposed area studies.

5.4 Zoning By-law Monitoring Committee

The cause of many by-law difficulties stems from the amendment process. There is a lack of effective guidelines to provide a uniform method for the intent, wording and location of amendments. Equally important is the lack of an effective co-ordinating group

to oversee the amendment process on an ongoing basis. This results in amendments that overlap with others, or in zoning changes which have not been completely analysed to determine their effect on existing policy. Amendments, therefore, occur in many sections of the by-law. For example, specific area amendments are located in either a use district, the general provisions section, or Section 16.

The Task Force has provided an orderly and consistent method for introducing amendments. However, it is important to the integrity of a revised by-law that some co-ordination be provided to maintain the format objectives.

The Task Force, therefore, recommends that an ongoing committee be formed to help avoid these problems. The committee would be similar, in terms of a mandate, to the current Zoning By-law Review Committee*. This Committee presently evaluates by-law amendments of general application although its original mandate had included the opportunity to undertake reviews similar to that of the Task Force. This latter function is no longer exercised and the conclusion to be drawn is that the review process based upon staff input alone has been ineffective.

The Task Force recommends that a new committee be constituted, comprised of representatives from groups outside City Hall who are most affected by by-law amendments, as well as City Hall users. The new Committee would resemble a scaled down Task Force, with staff representatives also acting as members. The following departments and organizations should possibly be represented on the new Zoning By-law Monitoring Committee.

Staff

Planning & Development Department
Buildings & Inspections Department
Legal Department
Committee of Adjustment
Public Works Department
Staff of other Departments as necessary

Council

Representative from Land Use Committee
(to act as liaison to Land Use Committee)

* Zoning By-law Review Committee - is an in-house committee with membership from the by-law user departments in City Hall.

External Organizations

Ontario Association of Architects
Confederation of Residents & Ratepayers Association
Toronto Home Builders' Association
Legal profession
Planning profession

The primary functions of the Zoning By-law Monitoring Committee should be as follows;

i. to comment on the form, function and wording of by-law amendments; and

ii. to identify problems encountered through the implementation of the by-law.

Neither function should be considered a policy forming mandate, but rather a forum for the Committee to pass on its opinions to the Land Use Committee.

As illustrated by the Task Force, improved results are achieved by this type of Committee as it presents a forum for all interested groups to voice their concerns and to work out an agreeable amendment prior to such being passed on to a Committee of Council. This may reduce the time spent by a Committee on implementing amendments as most of the groups concerned should have already participated in the discussions.

Members of the Zoning By-law Monitoring Committee should be appointed for a set term and receive an annual honorarium for their services. The Committee should convene on a regular basis and members should be involved in any public meetings held to discuss amendment proposals. The reporting function to Land Use Committee would be done by that Committee's representative sitting on the Zoning Committee. Members would be responsible for making their individual organizations aware of the Committee's activities.

Recommendations:

1. The Zoning By-law Review Committee should be replaced with a Zoning By-law Monitoring Committee whose membership should be made up of representatives from the groups noted in the above sub-section.

2. Members of the Committee from outside City Hall should receive an annual honorarium.

3. The Zoning By-law Monitoring Committee should report to the Land Use Committee on the form, function and drafting of By-

law amendments, given the principles of by-law reform as set out in this report. The Committee should further report on any problems identified through the implementation of the By-law.

4. Guidelines should be prepared and used by the Zoning By-law Monitoring Committee to guide the preparation of by-law amendments. Such guidelines should facilitate an evaluation of amendment proposals to determine their appropriate location, form and whether they are warranted.

5.5 Continuing Role of the Task Force

While the bulk of the residential aspects of the Task Force work is complete, the continued participation of the group in circulating, revising and implementing the recommendations is desirable. The Task Force should continue to be involved in the following manner:

i. presentation of the recommendations to the organizations represented on the Task Force;

ii. holding public meetings to discuss the recommendations;

iii. modifying recommendations to accommodate any appropriate staff and public suggestions;

iv. monitoring the drafting of the new provisions;

v. supporting the recommendations at the various Committee levels and at Council; and

vi. participation in any future groups established to review the other sections of the By-law.

Recommendations:

1. The Task Force should prepare a report on the comments received from the public and staff on any changes to the recommendations of this report.

2. The Task Force should continue to be involved in all stages of implementing its recommendations, including the preparation of draft by-laws.

3. The Task Force suggests that a reconstituted committee should be formed to undertake a review of the other use categories in the By-law. These reviews should take a similar approach to that used in this study for the residential districts.

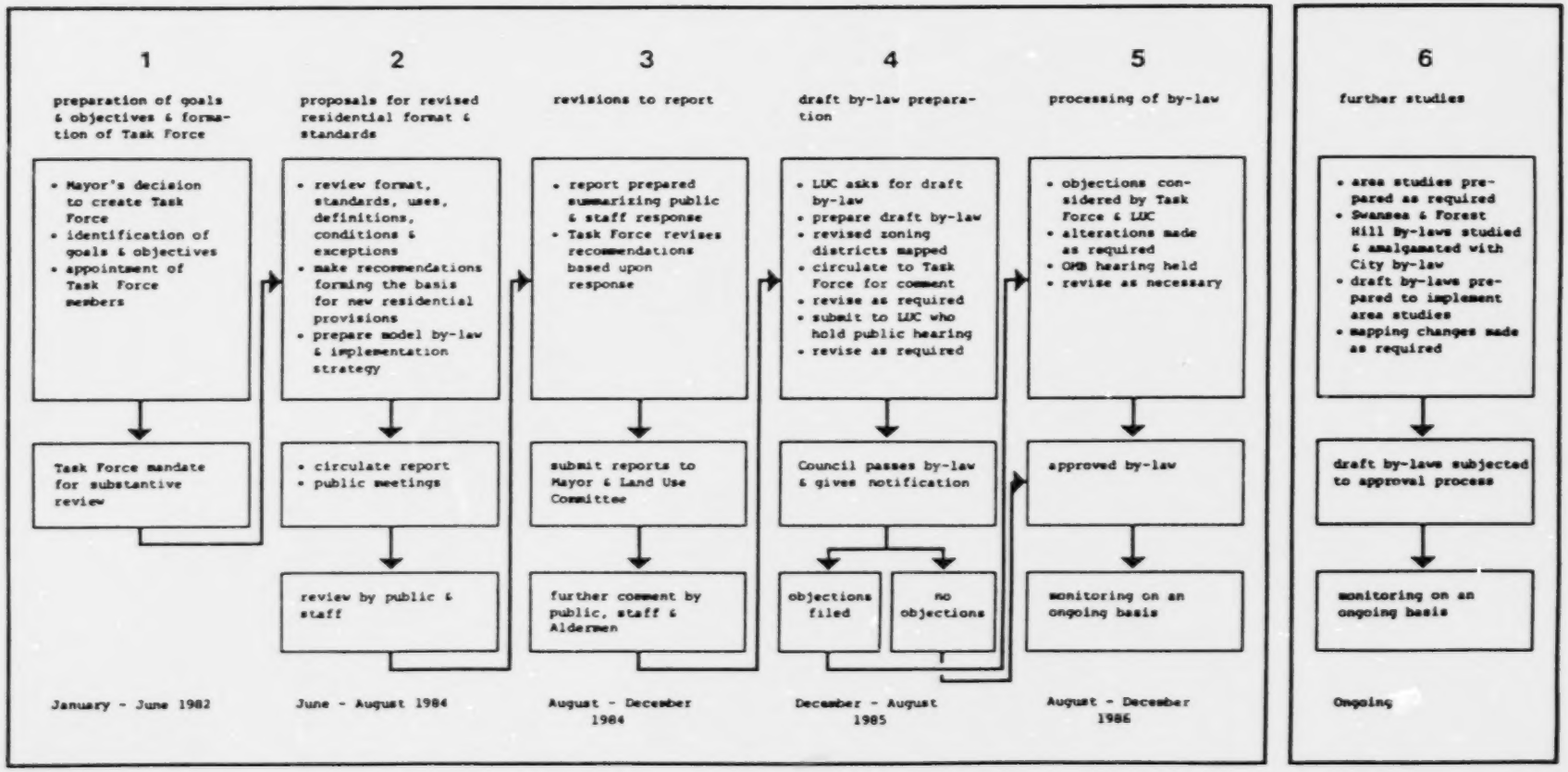
5.6 Work Plan

A work plan (see next page) has been prepared dividing the review process up into stages, detailing the various tasks associated with each stage and applying general time frames.

This report represents one stage in the second phase of the work plan. The process from this point involves the gathering of comments from staff and the public, revising the recommendations leading to draft by-law preparation, circulation, revision and adoption. As noted, there is a long term component (phase 6 on the work plan) which requires area studies, leading to mapping changes.

Until all comments from the public and staff are received and considered, it is difficult to assign time frames on a detailed basis to the various tasks generated by the recommendations. A great many diverse considerations will have an impact upon the time frame, which could be either lengthened or shortened and is only an approximation.

WORKPLAN SUMMARY


PHASE
PROCESS
TASKS
OUTPUT
RESPONSE
TIMING
1
preparation of goals & objectives & formation of Task Force
• Mayor's decision to create Task Force
• identification of goals & objectives
• appointment of Task Force members
Task Force mandate for substantive review
January - June 1982
2
proposals for revised residential format & standards
• review format, standards, uses, definitions, conditions & exceptions
• make recommendations forming the basis for new residential provisions
• prepare model by-law & implementation strategy
• circulate report
• public meetings
review by public & staff
June - August 1984
3
revisions to report
• report prepared summarizing public & staff response
• Task Force revises recommendations based upon response
submit reports to Mayor & Land Use Committee
further comment by public, staff & Aldermen
August - December 1984
4
draft by-law preparation
• LUC asks for draft by-law
• prepare draft by-law
• revised zoning districts mapped
• circulate to Task Force for comment
• revise as required
• submit to LUC who hold public hearing
• revise as required
Council passes by-law & gives notification
objections filed
no objections
December - August 1985
5
processing of by-law
• objections considered by Task Force & LUC
• alterations made as required
• OMB hearing held
• revise as necessary
approved by-law
monitoring on an ongoing basis
August - December 1986
6
further studies
• area studies prepared as required
• Swansea & Forest Hill By-laws studied & amalgamated with City by-law
• draft by-laws prepared to implement area studies
• mapping changes made as required
draft by-laws subjected to approval process
monitoring on an ongoing basis
Ongoing

CONCLUSION

6. CONCLUSION

6.1 Non-Conforming Buildings

The major drawback of introducing any revised zoning policy is that it often creates non-conforming buildings. In the case of the Task Force recommendations, however, the intent is to make existing buildings conforming, as they reflect the present neighbourhoods. This is done in the following manner.

1. As discussed in sections 3.4.2 to 3.4.5, the setback recommendations acknowledge the existing walls of a dwelling. Therefore, no non-conforming buildings will be created in terms of setbacks. In fact, any dwelling in the City that had a non-conforming side yard setback for example, should conform to the standards (but not necessarily the Ontario Building Code).

2. As noted in section 3.3, the recommended four use districts should, in most cases, only be a change in symbols, not the permitted uses. Where problems are identified, the zoning should be altered to more accurately reflect the existing uses, if these are suitable for the area. If a building conforms to the current permitted uses, then it should conform under the recommended districts as no significant use changes are proposed.

3. Gross floor area limits should be studied on an area basis where the present limits currently do not reflect existing dwellings. The intent is to establish revised maximums that are more representative of individual areas.

4. Depth limits, a source of contention ever since their introduction, should be determined on an area or block basis and be mapped. This recommendation will provide standards that reflect the depth of existing dwellings as opposed to applying a City-wide requirement.

5. Minimum lot frontages should be determined by area. While these limits are not as troublesome as depth or density, setting limits more reflective of an area can only help reduce the number of non-conforming buildings and variance applications.

6. The replacement of angular plane provisions with height limits and setbacks, should reduce the need for a variance for buildings that are similar in scale to others in the area. The reason for this being that the height limits established on an area basis should reflect the height of existing dwellings.

7. Permitting an existing building to be reconstructed in whole or in part to the same physical standards reduces the need for variances for previously non-conforming buildings. For example, a building with setback deficiencies should be built in the same location as the foundation of the previous building, without requiring a variance (subject to the Ontario Building Code).

8. The change of use recommendation allows buildings currently non-conforming in terms of the physical standards, to be converted to another permitted residential use, without complying with these standards but meeting other by-law requirements.

It is evident these recommendations increase the ability of the by-law to recognize the dimensions of existing residential buildings. The Task Force is confident these changes should be reflected in a reduction in the number of variance and exception applications. This means there should be a corresponding reduction in the cost of renovations to citizens who would otherwise have to pay the Committee of Adjustment application fee and any associated costs.

6.2 Comparison of Recommendations & By-law 20623

Generally, the overall objective of the Task Force is to make the Zoning By-law easier to understand and use. To determine whether this objective has been achieved, the existing by-law can be compared to the Task Force recommendations in terms of accessibility to information.

The following chart sets out the five types of information, in order, that a person requires about a property:

(i) use district and density zone;
(ii) permitted uses;
(iii) use conditions;
(iv) physical standards; and
(v) any exceptions.

The comparison chart is designed to illustrate which document best conforms to the overall objective.

		WHERE LOCATED	
	SUBJECT	**BY-LAW 20623**	**TASK FORCE PROPOSALS**
1.	Use district & density zone	maps	maps
2.	Permitted uses	Seven 'R' districts (cumulative - e.g. if an R3 district, the four previous districts may have to be researched to determine if the use is permitted & if there are conditions attached & if those conditions change)	refer to one use chart in the 'R' district provisions section (see App. A, S.(1))
3.	Conditions	same as #2	if use has a reference number locate relevant condition on the following list (App. A, S.(2))
4.	Standards	refer to: a. S.4 (i.e. S.4(3),(4) just for setbacks) b. use districts (same as #2) c. exceptions (read through S.16(1)&(2) plus any free standing by-laws. e.g. min. lot frontage in North Toronto may require 3 by-laws) d. definitions	refer to: a. physical standards chart b. index of exceptions (if there are any exceptions, the area exceptions section or a free standing by-law should be referenced)
5.	Exceptions	refer to: a. *S.16(1) & (2) b. *S.4 c. *use districts d. free standing by-laws	refer to: a. index of exceptions b. **area exceptions section c. **free standing by-laws

* - read through the sections as the exceptions are not ordered

** - referenced in the index by municipal address to focus in on the exact provision

It is apparent that using By-law 20623 to locate this information does take a long period of time, even if the person is knowledgeable in the use of the By-law. The Task Force proposals should take a much shorter time and could probably be used by persons who are not regular by-law users. This test indicates that the Task Force recommendations are a vast improvement over what exists and does, in fact, achieve the overall objective.

RECOMMENDATIONS

7. RECOMMENDATIONS

The Zoning By-law Task Force recommends that City Council endorse the following principles and the recommendations designed to implement them.

7.1 General Principles for By-law Reform

1. Information should be easy to find and located in the most relevant section.

    a. All definitions should be located in the Definitions Section.

    b. All truly general provisions should be located in the General Provisions Section.

    c. All provisions applicable to specific use categories (e.g. residential, commercial) should be located in individual sections.

    d. All area related exceptions should be located in one section.

2. Obsolete and redundant provisions should be deleted.

    a. By-law provisions should reflect current planning objectives for the particular area.

    b. Outdated provisions should be repealed.

    c. Overlapping provisions should be revised so that each is self sufficient.

3. Provisions should be written and ordered in a clear way.

    a. The By-law text should be written in plain language.

    b. Headings should be added to aid in locating provisions.

    c. Charts and tables should be used where possible.

    d. The numbering system should be consistent and based on that used in provincial statutes, i.e. Section 5, subsection (2), paragraph (a), clause (i).

    e. Legal descriptions of areas should be replaced with maps or confirmed municipal addresses.

4. Definitions should be straightforward, non-cumulative and not contain standards.

a. Definitions should be revised to make each self sufficient.

b. Standards should, where possible, be deleted from any definitions and relocated in the appropriate section.

c. Definitions should be reviewed to ensure they are accurate from a legal standpoint.

d. Obsolete definitions should be removed or updated.

e. Reference to provincial statutes should be deleted where feasible.

5. Exceptions should be organized so that they can be located easily.

a. An index system should be used to list the exceptions by confirmed municipal address.

b. Area exceptions should be described in an Exceptions Section.

c. Site specific provisions should be in site specific by-laws, so that they need not appear in the by-law text or maps but simply be referenced in the exceptions index.

6. Explanatory aids should be included in the By-law.

a. Explanatory diagrams should be inserted in the text where useful, with a notice that they are for information purposes only.

b. An introduction to the by-law should be included explaining where information is located, how the various sections are related and how the provisions work. It should not be part of the legal document.

7. Accessibility to by-laws referenced in the Zoning By-law should be improved.

a. The process for obtaining copies of amending by-laws should be reviewed to ensure that by-law copies are available in a reasonable amount of time.

b. The City Clerk's Department should be requested to report on a more suitable location for the distribution of copies of amending by-laws.

8. The by-law format should be designed to accommodate variations as required.

   a. Residential districts should be organized to permit additional districts and/or exceptions if the need arises.

   b. Distinct neighbourhood characteristics should be preserved.

9. The by-law review process should not inadvertently alter existing neighbourhood zoning provisions without carefully examining any potential impact.

   a. The review process should not amend current area zoning policy without public participation.

7.2 Neighbourhood vs. General By-law

A synthesis of both the neighbourhood and general by-law formats should be implemented, by accommodating neighbourhood distinctions in one general by-law.

7.3 Format

7.3.1 By-law Exceptions

1. The index of exceptions prepared under a previous by-law study should be used to reference all by-law exceptions under the applicable confirmed municipal address.

2. The text of the area exceptions should be provided in a single section, be referenced by the applicable municipal addresses in the index of exceptions and the affected area shown on the maps.

3. Site specific exceptions should cease to be described in the text or to appear on the maps. They should only be referenced in the index of exceptions. Site specific exceptions currently in the By-law should be re-enacted as site specific by-laws.

4. Obsolete and redundant exceptions in the present By-law should be deleted.

5. The by-laws implementing the Official Plan Part II amendments should be studied to determine if they can be included in the text of a new by-law. Also, any future Official Plan Part II amending by-laws

should be written so that they may be incorporated into the by-law format recommended in this report.

6. The index of exceptions should be up to date at all times, as should the land use file on the City's computer system.

7. The City Clerk's Department should be requested to review the process of distributing copies of amending by-laws, both current and past. Copies should be distributed from a prominent location, preferably on either the first or second floor of City Hall.

7.3.2 Use of Tables and Diagrams

1. Tables should be used to illustrate as much of the by-law information as possible.

2. Diagrams should be used where they would serve to supplement the text. However, it should be clearly stated that they do not form part of the actual by-law but are for information purposes only.

7.3.3 Use of Maps

1. The Commissioner of Public Works should be requested to report on the feasibility of increasing the information displayed on maps to illustrate the depth and minimum lot frontage requirements in addition to gross floor area, height, use and area exceptions.

2. The Commissioner of Public Works should consider decreasing the scale of the maps in areas where the information displayed is crowded, keeping in mind that any format should be easy to use. With the deletion of site specific exceptions from the maps, this may not be required.

3. Area exceptions should continue to be illustrated on the maps, while site specific exceptions should not.

4. The maps should be consistent in terms of organization and the information presented (considering recommendation #2).

5. The distribution of the zoning maps should be organized so that individual maps may be purchased rather than the entire set for the City.

7.3.4 By-law Structure

1. The by-law should ultimately be organized in a modular structure where all information applicable to one zoning district would be in one section. The other sections should contain information applicable to all districts (i.e. definitions, general exceptions and exceptions). The by-law consolidation should include:

   i. An introduction explaining how to find information. It should not be part of the by-law.

   ii. The zoning and height maps for the City contained in a separate book.

   iii. The general information section listing the symbols used, the prevailing by-laws and providing a general index to the entire by-law.

   iv. The Definitions section, including all definitions used in the by-law.

   v. The General Provisions section, including the truly general provisions such as parking and loading that apply to all districts.

   vi. A series of sections which include the provisions for types of districts: residential; mixed use; industrial; open space; etc.

   vii. The Exceptions section, providing the text of all area exceptions.

   viii. The Index of Exceptions, listing all municipal addresses in the City, with reference to applicable area specific exceptions and site plan by-laws.

2. Any effort to review the non-residential zoning districts should include re-formating in conformity with the recommendations contained in this report for residential districts.

7.4 Use Districts/Uses and Conditions

1. The current residential use districts should be amalgamated with the exception of the R4A districts, which should be deleted and replaced with other appropriate zoning designations. This results in a

reduction in the number of districts from seven to four. The R1 district should be titled RA, the R1A and R1F districts should be combined to form the RB district, the R2 and R3 districts should form the RC district, while the R4 district should be the RD district. All areas of the City might not fold into the recommended districts in this manner, as those with current inaccurate zoning designations should be identified and assigned more appropriate zoning.

2. The conditions attached to specific uses should be rationalized as described in Appendix B.

3. The permitted uses and any conditions should be illustrated in a table and list format, using the recommended four use districts, as illustrated in sections (1) and (2) of Appendix A.

4. Area exception provisions now included in the residential district provisions, should be: (i) re-located to the exceptions section; (ii) illustrated on maps; and (iii) referenced in the index of exceptions.

7.5 Physical Standards

7.5.1 Houseform and Apartment Buildings

1. Physical standards should be organized in chart form as illustrated in section (3)(a) of Appendix A.

2. Standards for all types of buildings should be consistent within the same district.

7.5.2 Minimum Yard Setbacks

1. The minimum front yard setbacks should be the lesser of:

   (a) the average of the front lot line setback of the existing residential buildings located on the adjoining lots;
   (b) the existing main front wall; or
   (c) 6 metres where (a) or (b) do not apply.

2. The minimum side yard setback for any residential building in an RA or RB district should be the lesser of:

   (a) .9 metres, or
   (b) the existing side wall

except in the case of a residential building in an RC or RD district, where it shall be the lesser of:

(a) .45 metres, or
(b) the existing side wall.

3. A minimum side yard setback of 7.5 metres should be required when a residential building exceeds the permitted depth.

4. The minimum side yard setbacks should not apply to the side lot line on which a common wall is located for a semi-detached dwelling, or a portion of row housing.

5. Exterior additions for insulation purposes should be permitted, by including such in the permitted projections chart as illustrated in Section (3)(d) of Appendix A. Additional research should be done to determine what limit should be placed on the extent of the projection.

6. The minimum side yard setback for a non-residential building should be 7.5 metres.

7. The corner side and front yard setback for a residential building on a corner lot in all residential districts, should be the lesser of:

(a) the existing corner side and front wall;
(b) a distance equal to the front yard setback of the adjoining lots for the corner side yards; or
(c) 6 metres where (a) and (b) do not apply.

8. The interior side yard setback for a corner lot should be equal to the requirements set out for the side yard of interior lots.

9. New definitions for: (i) a corner side yard; and (ii) an interior side yard should be added to the by-law.

10. The present restriction of 7.5 metres for minimum rear yard setbacks should be retained.

7.5.3 Minimum Lot Frontage

1. Where the 6 metre minimum lot frontage requirement is not appropriate, a standard based upon what exists in the area should be determined by an area study. These studies should only be undertaken when requests for such are made by local residents..

2. Minimum lot frontage requirements should be shown on maps as area exceptions.

3. A 6 metre general requirement for lot frontages should be retained to apply to areas not covered by local standards.

7.5.4 Height

1. Angular plane provisions should be deleted and replaced with appropriate height and setback provisions.

2. Height limits, as shown on the height maps, should be used except where height maps do not presently exist, in which case an interim height control of 10 metres should be established until the height maps are completed.

3. The definition of height should be amended so that sloped roofs are encouraged at the front and rear, even if a flat section is part of the design, provided that when viewed from the street and rear, the roof appears to be a pitched roof.

7.5.5 Depth

1. Depth restrictions should be established on a neighbourhood basis to reflect the average depth of buildings in a particular area. Such restrictions should be the result of area studies, conducted on a priority basis.

2. Depth requirements should not be applicable in an RD district, or in any Z4 or Z5 density zone.

3. Depth limits should be shown on maps.

4. The present general depth restrictions should be retained only as a temporary measure, in the areas for which depth maps are not prepared. As depth maps become available, the maps should prevail over the interim control. Once the entire City is covered by the maps, the interim control should be deleted.

5. Depth should be measured from the minimum front setback as determined by the existing main front wall of a dwelling, or in the case of a new dwelling, the average of the buildings on the adjacent lots.

6. Any depth limits should not prevent a reasonable addition to the rear of an existing dwelling, as determined through consultation with the area residents.

7.5.6 Gross Floor Area

1. Many of the Task Force members agreed that gross floor area should remain as a bulk control, while others suggested an alternative based upon yard controls. The Task Force has decided to consider both options and any other alternatives presented to them during the public consultation phase.

2. Should gross floor area be retained as a bulk control, then the Task Force recommends that the definition should be clarified to delete the current special purpose exemptions with the exception of the required parking space(s) and voids.

3. As a proposal requiring further investigation, the Task Force recommends that two new zoning definitions be placed in the By-law to aid in distinguishing between a basement and a cellar. Basements should be included in the gross floor area total and be defined as having the mid-point of the floor to ceiling height above grade. Cellars should be exempt from the total and be defined as having the mid-point below grade. Grade should be determined in accordance with the definition of the term in the Ontario Building Code.

4. Where present gross floor area limits are either too permissive or restrictive, studies should be undertaken to establish appropriate limits encouraging the existing scale of the street. Revised limits should allow for a reasonable addition and be representative of at least 70% of the houses within the defined boundaries of that area.

5. Public input should be requested on the following issues:

   a. Should there be a definition change using the basement/cellar distinction in the short term to clarify gross floor area interpretation problems, accompanied with some form of compensation for the removal of all or part of the gross floor area special purpose exemptions. Also, the maximum gross floor area limits would be adjusted over a longer term.

b. In the alternative to the preceeding paragraph, the present gross floor area system could be left as is, until a new definition is implemented at the same time as the revised limits established by the area studies. These area studies could then take into consideration:

   i. current inappropriate density categories and appropriate revised limits which include allowance for reasonable additions;

   ii. the changes required by any new definition; and

   iii. any compensation for deletion of special purpose exemptions.

6. Any definition change and/or density increase should be analyzed to ensure that existing and new houses are dealt with in an equitable manner.

7. The current density designations should have numerical components that show the permissible gross floor area (e.g. Z1 should be Z 0.35).

8. A report should be prepared outlining the implications any gross floor area definition change has on the Official Plan densities for Low Density Residence Areas.

7.6 Landscaped Open Space

1. The minimum landscaped open space requirements should be located in the proposed residential section of the by-law, as shown in section (3)(c) of Appendix A.

2. The definition of landscaped open space should be revised, to solve current problems of interpreting what is defined as landscaped open space, as noted in Appendix D.

7.7 Parking

Parking should be permitted in front of the main front wall of a house for other than casual purposes, provided that any motor vehicle is parked on a legally constructed driveway and is wholly on the lot. Any required parking spaces must still be located behind the main front wall of the house.

7.8 Signs

The residential sign standards should be contained in a sign table, to be located in the recommended residential districts section of the By-law, as illustrated in section (4) of Appendix A.

7.9 Change of Use

The change of use of a residential building should be permitted, provided:

(i) the conversion is to another residential use permitted in that residential district;

(ii) that any non-conformity with respect to the physical standards does not increase; and

(iii) that other by-law requirements are met.

7.10 Replacement of Non-Conforming Residential Structures

The replacement of a non-confirming residential building should be permitted, provided:

(i) the provisions of the Ontario Building Code are complied with;

(ii) any non-conformity with the applicable physical standards does not increase; and

(iii) the foundation is located in the same position as that of the former structure except where alterations are made to conform with (i).

7.11 Residential Definitions

1. All definitions should be located in the definitions section.

2. The definitions related to residential uses should be reviewed as outlined in Appendix D.

7.12 Affordable Housing Task Force

The Task Force should submit comments on the recommendations of the Affordable Housing Task Force, once the draft by-law has been finalized.

7.13 Swansea and Forest Hill

1. The Forest Hill and Swansea Zoning By-laws should be incorporated into the format recommended in this report, to form a single by-law to apply to the entire City.

2. A staff report should be prepared to examine how the preceding recommendations can be implemented.

7.14 Implementation

7.14.1 Public Participation

1. Copies of this report should be distributed to all residents organizations, business associations, etc., on the City's mailing list. Also, copies should be made available to the general public on request.

2. The Task Force should hold public meetings to solicit comments on the recommendations of this report. These meetings should be well advertised in advance.

7.14.2 Phasing in the Residential District Provisions

1. The current by-law should be amended so that the recommendations of this report are implemented in the manner described in Section 5.2, for both the short and long term work plans.

2. Future reviews of the non-residential districts should include reformating of the provisions in accordance with the By-law structure outlined in Section 3.2.4.

3. Staff should report on the optimum legal process for incorporating the Task Force recommendations into the existing by-law.

7.14.3 Area Studies

1. Where area studies are to be undertaken, the input of local residents should be encouraged.

2. The City's computer Land Use File should be used to simplify the study of area characteristics.

3. Staff should prepare a methodology to be used for undertaking the proposed area studies.

7.14.4 Zoning By-law Monitoring Committee

1. The Zoning By-law Review Committee should be replaced with a Zoning By-law Monitoring Committee, whose membership should be made up of representatives from the following groups.

   Staff

   Planning & Development Department
   Buildings & Inspections Department
   Legal Department
   Committee of Adjustment
   Public Works Department
   Staff of other Departments as necessary

   Council

   Representative from Land Use Committee
   (to act as liaison to Land Use Committee)

   External Organizations

   Ontario Association of Architects
   Confederation of Residents & Ratepayers Associaton
   Toronto Home Builders' Associatior
   Legal profession
   Planning profession

2. Members of the Committee from outside City Hall should receive an annual honorarium.

3. The Zoning By-law Monitoring Committee should report to the Land Use Committee on the form, function and drafting of By-law amendments, given the principles of by-law reform as set out in this report. The Committee should further report on any problems identified through the implementation of the By-law.

4. Guidelines should be prepared and used by the Zoning By-law Monitoring Committee to guide the preparation of by-law amendments. Such guidelines should facilitate an evaluation of amendment proposals to determine their appropriate location, form and whether they are warranted.

7.14.5 Continuing Role of the Task Force

1. The Task Force should prepare a report on the comments received from the public and staff on any changes to the recommendations of this report.

2. The Task Force should continue to be involved in all stages of implementing its recommendations, including the preparation of draft by-laws.

3. The Task Force suggests that a reconsituted Committee should be formed to undertake a review of the other use categories in the By-law. These reviews should take a similar approach to that used in this study for the residential districts.

RS/clh

APPENDICES

APPENDIX A

RECOMMENDATIONS FOR THE RESIDENTIAL DISTRICT PROVISIONS SECTION

Appendix A is a model of the recommended residential district provisions section of the By-law. Its contents include all the provisions of the By-law applicable to the residential districts except the parking and loading requirements and those provisions that apply to other districts also. The same format could be applied to the other use districts. Features of this model are:

i. a use chart referencing all permitted uses and any related conditions;

ii. a list of conditions applicable to certain uses;

iii. physical and sign standards in chart form; and

iv. a list of the conversion requirements for certain use districts.

SECTION — RESIDENTIAL DISTRICT PROVISIONS

(1) PERMITTED USES BY DISTRICT

No person shall, within any residential district, use any lot or erect any building or structure except the following permitted uses indicated by the symbol P or by the symbol C on the chart below. In the case of uses permitted by the symbol C, the conditions set out in subsection 2 shall apply, with the number following the symbol C referring to the relevant paragraph in subsection 2:

	DISTRICT			
RESIDENTIAL	**RA**	**RB**	**RC**	**RD**
detached	P	P	P	P
semi-detached	-	P	P	P
partial row house	-	P	P	P
row housing	-	-	P	P
duplex	-	P	P	P
triplex	-	-	P	P
semi-detached duplex	-	-	P	P
semi-detached triplex	-	-	-	P
*rowplex	-	-	-	P
apartment house	-	-	P	P
converted dwelling house	-	C1	C1	C1
converted boarding & lodging house	-	-	C1	C1
*flat	-	-	C2	C2
roomers & boarders/foster children	C3	C3	C4	C4
residential care facility	C5	C5	C5	C5
nursing home	-	-	C6	C6
COMMUNITY SERVICES AND FACILITIES				
day nursery	C7	C7	C7	C7
private academic/religious school	-	-	C6	C6
church	C8	C8	C8	P
public school	C8	C8	C6	C6
public park/golf course/playlot	P	P	P	P
community centre	P	P	P	P
YMCA/YWCA	-	-	P	P
public library	-	-	P	P
hospital	-	-	-	P
COMMERCIAL				
*office of a person licensed to provide health care	-	C9	C9	C9
retail store	-	-	C10	C10

* requires new definition

ACCESSORY USES	DISTRICT RA	RB	RC	RD
private home day care	P	P	P	P
private swimming pool	P	P	P	P
any use accessory to the above	P	P	P	P

(2) The following conditions shall apply to the corresponding uses permitted by the symbol C in subsection 1.

	USE PERMITTED IN SUBSECTION 1	CONDITION
1.	Converted dwelling house, Converted boarding & lodging house	See subsection 5
2.	Letting of a flat in a dwelling unit	Located only in a detached or semi-detached dwelling house
3.	Keeping of roomers or boarders	Not more than 2 roomers or boarders in a dwelling unit, and
	Keeping of foster children	Not more than 3 foster children; or not more than 4 foster children each of whom is brother or sister-german of all the others
4.	Keeping of roomers or boarders	Not more than 3 roomers or boarders in a dwelling unit, or
	Keeping of foster children	Not more than 6 foster children in a detached, semi-detached or row house
5.	Residential care facility	Occupying the whole of a fully detached building, and Located no closer than 245 m. to any other residential care facility

	USE PERMITTED IN SUBSECTION 1	CONDITION
6.	Nursing home, Private academic/ religious school/ public school/ church	Occupying the whole of a fully detached building, or in a building originally constructed as a fully detached building, or in a building originally constructed for that purpose.
7.	Day nursery	In an RA or RB district, located only in a public school or community centre; In an RC or RD district, located in; - a church or public school or community centre, or in a detached building, or in a building originally constructed for such purpose, or in an apartment house No part of the front yard may be used as play space
8.	Church/public school	Occupying a building originally constructed for such purpose and in the case of a church, not located on a lot of less than 30 metres frontage
9.	Office of person licensed by the Province under Provincial legislation to provide health care	Located in the basement or on the first floor of a detached dwelling or apartment house and, such dwelling must be the residence of the licensed person
10.	Retail store	Located in an apartment house with more than 100 units; the store is located on the ground floor or in the basement; not more than 1 store in a building.; the store entrance is inside the building; and the area of the store is not more than 23 m2 plus 4.5 m2 for each additional 100 units up to a maximum of 70 m2.

(3) DEVELOPMENT STANDARDS

No person shall erect or use a building on any lot in any residential district that does not comply with the setback,

depth, density, landscaped open space, height and minimum lot frontage standards as indicated in sub-sections (a), (b) and (c) of this section.

When the standards listed in paragraphs (a) and (b) for depth, height, density and minimum lot frontage are shown on the zoning maps, then the standards on the maps shall prevail.

(a) Building Envelope

PHYSICAL STANDARDS

(all measurements are given in metres)

Use and Applicable District	Yard Setbacks				Minimum Lot Frontage	Height (max.)	Depth(3) (max.)
	Front (min.)	Side(1) (min.)	Rear (min.)	Corner Lot(2) (min.)			
Residential RA, RB	lesser of: a) average of the front lot line setback of the existing residential buildings located on the adjoining lots; b) existing main front wall; or c) 6 where (a) & (b) do not apply	lesser of: a) 0.9 b) existing side wall and; 7.5 when the building exceeds the permitted depth	7.5	lesser of: a) existing corner side & front wall b) distance equal to the front yard setback of the adjoining lots for the corner side yards c) 6 where (a) & (b) do not apply	6	10	17
Residential RC, RD	same as above	lesser of: a) 0.45 b) existing side wall and; 7.5 when the building exceeds the permitted depth	7.5	same as above	6	10	14
Non-residential RA,RB,RC,RD	7.5	7.5	7.5	6	6	10	14

1. Side yard setbacks do not apply to lot lines on which common walls are erected.
2. Interior side yard requirements will be as set out for side yards.
3. Depth restrictions do not apply in RD districts, or Z4 and Z5 density districts.

(b) Density

Zone	Maximum Gross Floor Area
Z0.35	0.35 x lot area
Z0.6	0.6 x lot area
Z1	1.0 x lot area
Z2	2.0 x lot area
Z2.5	2.5 x lot area

(c) Landscaped Open Space

Zone	Minimum Landscaped Open Space
Z0.35	30% of lot area
Z0.6	30% of lot area
Z1	30% of lot area
Z2	35% of lot area
Z2.5	35% of lot area
Apartments in any zone	50% of lot area

(d) Permitted projections into minimum yards

Notwithstanding the provisions of paragraph (a), the following projections are permitted into the front, side and rear yard setback areas:

STRUCTURE	YARD WHERE PROJECTION IS PERMITTED	MAXIMUM PROJECTION	OTHER REQUIREMENTS
main eaves or cornices	any yard		
fences & safety railings	any yard		not exceeding 1.5m height
chimney breast	side yard	less than .25m beyond the outer facing of the sidewall	not exceeding a length of 2m

STRUCTURE	YARD WHERE PROJECTION IS PERMITTED	MAXIMUM PROJECTION	OTHER REQUIREMENTS
uncovered platform	front yard rear yard	less than 2.5m from the wall, no extension beyond side walls	less than 1.2m above grade and if legally constructed, then depth restrictions do not apply
attached private garage	to the rear of the main front wall, within an area defined by a side lot line & the nearest main wall	no closer to the front lot line than distance at which the main front wall of the dwelling house may be erected or for a corner lot, no closer to the flank of the lot than at which the building may be erected	for a private detached, one family or semi-detached dwelling house
accessory building	between the rear lot line and nearest main rear wall of the main residential building	up to the lot line provided no encroachment or drainage occurs on the abutting property	not applicable to apartment houses
canopies	front and rear yard	not more than 1.2 m from a main wall	any residential building other than an apartment house; area not exceeding 2.5 m2
	any yard	not more than 2.5 m	building must be an apartment house and no more than 3 canopies, supported only from a wall, and the aggregate area of the canopies cannot exceed .4 m2 for each 100 m2 g.f.a.

STRUCTURE	YARD WHERE PROJECTION IS PERMITTED	MAXIMUM PROJECTION	OTHER REQUIREMENTS
sign	any yard		set out in s.(4), the sign requirements for an apartment house under construction
exterior insulation	any yard	(TO BE STUDIED TO DETERMINE WHAT REQUIREMENTS ARE NEEDED)	
cold storage cellar	front & rear yards	located in same position relative to the lot lines as the porch, verandah or uncovered platform	located under a porch, verandah or uncovered platform permitted by this table, (excluding apartments) for dwelling houses erected prior to September 14, 1964
bay window	front and rear yards	.75 m from the main wall	cannot exceed 3 m width at point of joining the main wall
second storey addition	any yard	within the area defined by the existing walls of the dwelling	for a one family or private detached dwelling house, not to exceed 17 m in depth excluding RD districts and Z4 and Z5 density zones

(4) PERMITTED SIGNS BY DISTRICT

No person shall, within any R district set out below, erect any sign except the following signs of which no more than one sign of each type is permitted as indicated by the symbol P:

PERMITTED SIGNS

Type	Max. Size	Illumination	District RA	RB	RC	RD
community bulletin board	2.5 m2 2.2 m height	None	P	P	P	P
real estate sign with one per apartment tower	0.5 m2	None	P	P	P	P
no trespassing, safety sign	0.2 m2	None	P	P	P	P
showing name/profession of doctor/dentist	1.0 m2	None	P	P	P	P
church bulletin board	1.0 m2	None	P	P	P	P
showing application to the Corporation for an amendment to the By-law	0.5 m2	None	P	P	P	P
showing name of day nursery	0.2 m2	None	-	P	P	P
directional sign for apartment house	0.2 m2	None or soft, non-flashing, diverted from adjacent premises	-	-	P	P
units for rent, sale or lease for apartment house over 4600 m2 provided no other real estate sign is on the lot & where it is comprised of 2 or more towers, each shall be deemed to be an apartment house	0.5 m2	soft, non-flashing light diverted from adjacent premises	-	-	P	P
bulletin board for a non-residential building	1.0 m2	None	-	-	P	P
showing non-residential uses in building	0.2 m2	None	-	-	-	P
An apartment house under construction, signs showing the following: i. names of developer, owner, principal contractors, financing institutions ii. directional signs iii. one for rent sign with telephone number Total sign area not exceeding 0.1 m2 for every 100 m2 of lot area and no sign exceeding 18 m2. Directional signs limited to 0.5 m2 each and only the rental sign may exceed 5.5 m in height. Illumination: soft, non-flashing light directed from adjacent premises and with exception of directional signs, operating between 2300 hours each evening and 0800 hours the following day			-	-	P	P

(5) CONVERSION REQUIREMENTS

(a) RB Districts

i. The owner of a private detached dwelling house may alter or convert such dwelling house, so as to provide therein 2 or more dwelling units provided:

(1) he has been the owner of the dwelling house for at least 3 years immediately preceding alteration or conversion;

(2) the dwelling house is at least 40 years old and contains a gross floor area of at least 280 square metres;

(3) each dwelling unit has a floor space of not less than 55 square metres, except in the case of an attic where the permissible floor area shall be not less than 42 square metres; and

(4) no exterior addition to or major exterior alteration of the dwelling house is made and its external appearance as a private detached dwelling house is not materially altered.

ii. Notwithstanding the provisions of subsection (i) the owner of a private detached dwelling house may alter or convert such dwelling house so as to provide therein two or more dwelling units provided the dwelling house is at least 40 years old and contains a gross floor area of at least 460 square metres and provided the requirements of (3) and (4) of subsection (i) are complied with.

(b) RC & RD Districts

The Affordable Housing Task Force Report recommendations, where approved by the Zoning By-law Task Force should be inserted here, when they become available.

(6) OTHER PROVISIONS

(a) Conveyance

i. No person shall, in any R District, erect or use any building or structure except on a parcel of land that could, at the time of application for a building permit, be conveyed in compliance with the provisions of The Planning Act.

ii. No person shall, in any residential district, erect or use more than one building or structure, together with any building or structure that is accessory thereto, on a parcel of land which complies with the provisions of paragraph (i).

iii. None of the provisions of this subsection shall apply to prevent the erection or use of any addition to an existing building or structure which is not located on a parcel of land complying with the provisions of paragraph (i), or to prevent the replacement (in the event of destruction, or damage to the extent of at least 50 per cent of the value of the building before damage by fire, explosion, windstorm or Act of God or in case of demolition by lawful order of the Corporation, the Local Board of Health or other authority for health or sanitation reasons) of a building or structure located on a parcel of land not complying with the provisions of paragraph (i).

(b) Street Frontage

For the purposes of this by-law, every building erected or proposed to be erected in a residential district shall be deemed to front on the street opposite to the principal entrance of such building or, if such entrance is not opposite to a street, upon the street from which the building gains its principal entrance.

(c) Below Grade Levels

i. Subject to the provisions of sub-paragraph (ii), no person shall, in any residential district, erect or use any building or structure having more than one floor level below grade containing dwelling units;

ii. No person shall, in any residential district, use for the purpose of a dwelling unit or living quarters, any portion of a duplex dwelling house or double duplex dwelling house the floor level of which portion is below or partly below the level of the first floor of the duplex dwelling house or double duplex dwelling house.

(d) Replacement of Residential Structure

The replacement in whole or in part of a residential structure located on a parcel of land complying with the provisions of section __(6)(a)(i), is permitted, provided any non-conformity with the physical standards does not

increase and the foundation is located in the same position as that of the former structure.

(e) **Change of Use**

A residential structure located on a parcel of land complying with the provisions of section __(6)(a)(i), that is non-conforming in terms of physical standards, should be permitted to convert to another residential use permitted in the same residential district, listed under the heading "Residential" in the use chart in section __(1), provided the degree of non-conformity with respect to the standards does not increase.

APPENDIX B

RECOMMENDATIONS FOR UPDATING USE CONDITIONS

The use conditions listed in Appendix A have resulted from the identification, analysis and revision of the numerous use conditions in By-law 20623. Appendix B provides a record of the Task Force decisions on each condition listed in the residential districts of the By-law.

APPENDIX B

RECOMMENDATIONS FOR UPDATING

USE CONDITIONS

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
6(1)(a)	R1,R1A,R1F	not more than 2 roomers & boarders & 3 or 4 if they are related, foster children permitted in a private detached dwelling	retain; apply also to RB district
6(1)(b)	R1,R1A,R1F	doctor/dentist office must be on 1st floor or basement & be the principal residence	delete; does not seem to be used in this district any longer
6(1)(e)	R1,R1A,R1F, R2,R3	church must be in building originally constructed as such	retain
6(1)(i)	R1,R1A,R1F, R2,R4,R4A	day nursery permitted in a public school provided front yard not used as play space	retain; combine with revisions for day nursery provisions in S.8(1)(f),(4)(5)(6)(7)
6(1)(j)	R1,R1A,R3, R4,R4A	private garage permitted as accessory to private detached dwelling	retain
6(1)(l)	R1,R1A,R1F, R2,R3,R4, R4A	residential care facilities must be 245 m. apart	retain
6(2)	R1,R1A,R1F, R2,R3,R4, R4A	sign provisions for numerous sign types	retain; shift to sign chart (included in S.7(4), 7A(2),8(2),9(3), 10(3),11(2))

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
6(3)(1)	R1,R1A,R1F	parking & submission of plans - requirements for church construction	retain; parking requirements are relocated to the parking & loading section but the submission of plans condition is deleted (same as S.7(5) and 7A(5))
6(3)(2)	R1,R1A,R1F	churches prohibited on lots of less than 30 metres frontage	retain; shift to conditions list in Appendix A (same as S.7(5) and 7A(5))
6(4)	R1	prohibition of roomers & boarders in specific areas of the City	retain; shift to the Exceptions Section & reference in the Index of Exceptions
6(5)	R1,R1A,R1F	submission & approval of plans for construction of public school	delete; now under site plan control but retain as a permitted use & apply the restriction that it must be in a building originally constructed for such purpose
		landscaped open space requirement	delete; for reasons noted above
6(6),(7) (8)	R1	conversion policy for South Rosedale	retain; shift to the Exceptions Section
7(1)(a)	R1A,R1F	duplex, double duplex & apartment must be designed by architect & made of brick or stone	delete; covered by Ontario Building Code

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
7(1)(c)	R1A,R2,R3, R4,R4A	parking stations are permitted use, accessory to an apartment	delete; included in S.4(13); parking spaces in excess of 3 open spaces subject to parking station regulations
7(2), (3)	R1A,R1F	regulations for converting a private detached dwelling	retain; S.7A(3),(4) are the same as 7(2),(3) & the two sections should be combined and shifted to both the conditions list and S.(5)(a) of Appendix A (same as S.7(5) & 7A(5))
7(4)	R1,R1A,R2 R3,R4,R4A	sign provisions are the same as in R1 districts and additional provisions are made for apartment houses	retain; the R1 provisions are shifted to the sign chart, however, the apt. provisions are deleted as apts. are not a permitted use in the new zoning category (includes S.6(2) & 7A(2) & is included in S.8(2),9(3),10(3) & 11(2))
7(5)	R1,R1A, R1F	parking, lot frontage and submission of plans - requirements for church construction	retain; parking requirements are relocated to the parking & loading section & the lot frontage requirements shift to the conditions list in Appendix A but the submission of plans condition is deleted (same as S.6(3) & 7A(5))

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
7(6)	R1,R1A, R1F	approval of plans for school construction	delete; under site plan control but retain as a permitted use & apply the restriction that it must be in a building originally constructed for such purpose
7(7)(a) (b)	R1A,R2	conditions regarding the establishment of a retail store in an apartment	delete; apartments will not be a permitted use in the new zoning category which includes R1A (S.8(8)(a)(b) repeats S.7(7)(a)(b) for R2 zones and this will be retained)
7A(1)(a)	R1F	semi-detached, duplex, double duplex dwellings must be designed by an architect & made of brick or stone	delete; covered by Ontario Building Code
7A(1)(b)	R1F	private garage permitted accessory to semi-detached dwelling	delete; unnecessary, garages are accessory uses
7A(2)	R1,R1F,R2, R3,R4,R4A	sign provisions are adopted from R1 district	retain; shift to the sign chart (included in S.6(2),8(2),9(3), 10(3),11(2))
7A(3), (4)	R1A,R1F	conversion standards	retain; combine with S.7(2), (3) & shift to both the conditions list & S.(5)(a) of Appendix A
7A(5)	R1,R1A,R1F	lot frontage, parking and submission of plans - requirements for churches	retain; parking requirements shift to the parking & loading section & lot frontage requirements shift to conditions list in App. A but the submission of plans is deleted (same as S.6(3) & 7(5))

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
7A(6)	R1,R1A,R1F	submission & approval of plans for school construction	delete; under site plan control but retain as a permitted use & apply the restriction that it must be in a building originally constructed for such purpose
7A(8)	R1F	no semi-detached dwelling in a specific area & a City Council intent to prohibit dwellings with a greater depth than 14 m in certain areas	delete; the area relevant to the semi prohibition has been rezoned & the City Council intent is no longer valid
8(1)(a)	R2,R3,R4, R4A	apt. must be designed by an architect	delete; covered by Ontario Building Code
8(1)(b)	R2,R3,R4, R4A	3 roomers & boarders & 4 foster children are permitted	retain provision for roomers & boarders but delete 4 foster children requirement, relying instead upon S.8(1)(c) the standard to be used for RC & RD Districts
8(1)(c)	R2,R3,R4, R4A	limit of 6 foster children per one family dwelling	retain; standard to be used for RC & RD Districts
8(1)(d)	R2,R3,R4, R4A	letting flat in private, semi-detached or rowhouse dwelling to 2 or more related persons	delete
8(1)(e)	R2,R3,R4	physician or dentist office in R2 bldg. used as principal residence	retain; but investigate using a term which describes all the medical professions (e.g. chiropractor) rather than naming the individual practitioners

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
8(1)(f)	R2,R3,R4, R4A	public school, day nursery, church, only in bldg. originally constructed for such or for a day nursery in an apartment house	retain; delete reference to one family dwelling (also references S.8(4),(5) meaning they also apply to a day nursery in higher zones)
8(1)(h)	R2,R3,R4, R4A	private garage accessory to private detached, or semi-detached dwelling	delete; garages are accessory uses
8(1)(i)	R2,R3,R4, R4A	retail sales in a church	retain; shift to definition of church
8(2)	R2,R3,R4, R4A	sign provisions	retain; shift to sign chart (same as S.9(3) & included in S.10(3) & 11(2) & includes S.6(2),7(4) & 7A(2))
8(2)(a)	R2,R3,R4, R4A	non-residential bulletin board	retain; shift to sign chart
8(2)(b)	R2,R3,R4, R4A	non-illuminated directional sign for an apartment	retain; shift to sign chart
8(2)(c) (d)	R2,R3,R4, R4A	directional & real estate signs for apartments over 4600 sq.m.	retain; shift to sign chart
8(2)(e)	R1A,R2,R3, R4,R4A	sign provisions for apartments as contained in S.4(7)(a)(j)	retain; shift to sign chart

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
8(3)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling to a boarding & lodging house or a converted dwelling & lodging house	delete; replace with Affordable Housing recommendations as decided by the Task Force (same as S.9(4) except the number of boarding & lodging rooms is increased to 12 in the Central Area & included in S.10(4) & 11(3) where the limit on the number of boarding & lodging rooms is increased to 12 from 6)
8(3)(a)	R2	areas of the City exempted from S.8(3)	retain; shift to the exceptions section but delete 8(3)(a)(iii), as it is no longer applicable
8(3A)	R2	any bldg. converted under S.8(3) must be at least 5 yrs old	delete; replace with Affordable Housing recommendations as decided by the Task Force
8(4),(5) (6),(7)	R2,R3,R4, R4A	conditions regulating conversion of one family or pair of semi-detached dwellings for use as a day nursery	delete all provisions that repeat the Day Nurseries Act except the type of building allowed to convert & prohibition of play space in front yard (S.8(4) & (5) are applicable in higher districts by virtue of S.8(1)(f))
8(8)(a) (b)	R1A,R2	conditions regulating establishment of retail store in an apt.	retain; same as S.7(7)(a) & (b) although it should be deleted in that district

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
8(9)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling (except row housing) to converted dwelling house	delete; replace with Affordable Housing recommendations as decided by the Task Force (same as S.9(9), 10(5) & 11(4))
8(9)(f)	R2	site specific exception from the conversion standards for converted dwelling houses	retain; shift to exceptions section if still required as a result of the Affordable Housing recommendations
9(2)	R3	all permitted uses must be located in bldg. originally constructed for that purpose or as a pair of attached one family dwellings or a one family dwelling or row housing	retain; expand to a church located in an RC district & a school in what is formerly known as an R2 district & delete row housing
9(3)	R2,R3,R4, R4A	sign provisions for R2 districts apply to R3 districts	delete; all of the provisions contained in the R2 district are applied to the new category equivalent of the R3 & is located in the sign chart (same as S.8(2) & included in 10(3) & 11(2))
9(4)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling to a boarding & lodging house or a converted dwelling & lodging house	delete; replace with Affordable Housing recommendations as decided by the Task Force (same as S.8(3) except in the Central Area where the number of boarding & lodging rooms is increased to 12 & included in S.10(4) & 11(3))

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
9(5)	R3	prohibition of certain uses in the Central Area	retain; shift to exceptions section
9(6)(a)	R3	office of a physician/ dentist/osteopath/ chiropractor is permitted in apt. used as regular place of residence, located in basement or 1st floor; a community centre & home for the aged are prohibited in the Annex area	retain; shift the Annex exclusion to the exceptions section and see S.8(1)(e) for further comments on the medical office provision which is similar to S.10(1)(a)
9(6)(c)	R3	prohibition of a community health centre in the Annex	retain; shift to the exemptions section
9(7)	R3	provides for legalization of commercial uses permitted in any R3 bldg. in Central Area, meeting specific criteria	retain; shift to the exceptions section
9(8)	R3	provides for continuance of non-residential uses in South-east Spadina	retain; shift to the exceptions section
9(9)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling (except row housing) to converted dwelling houses	delete; replace with Affordable Housing recommendations as decided by the Task Force (same as S.8(9),10(5) & 11(4))
10(1)(a)	R4	office of a physician/ dentist/osteopath or chiropractor is permitted in an apt., etc.	retain; same as S.9(6)(a) and should be combined with S.6(1)(b) & 8(1)(e)

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
10(1)(b)	R4,R4A	conditions applying to a charitable institution, requiring such to be in compliance with angular planes, setbacks and spacing of external facing walls	delete; revisions proposed for these standards negate the need to mention them specifically in this manner
10(3)	R4,R4A	sign provisions for R3 (i.e. implying those in R2) districts apply to R4 districts with the addition of an occupancy sign for non-residential buildings	retain; shift to sign chart (same as S.11(2) and includes S.6(2), 7(4),7A(2),8(2) & 9(3))
10(4)	R4,R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling to a boarding & lodging house or a converted dwelling & lodging house	delete; replace with Affordable Housing recommendations as decided by the Task Force (includes S.8(3) & 9(4) & same as S.11(3))
10(5)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling (except row housing) to converted dwelling houses	to be replaced with Affordable Housing recommendations as decided by the Task Force (same as S.8(9), 9(9) & 11(4))
11(1)	R1,R2,R3, R4	any conditions in subsection one of each of the districts noted, associated with the permitted uses, are applicable in an R4A district as amended through the districts	revise conditions as noted; the permitted uses chart & conditions list organizes & simplifies the R4A uses & conditions
11(2)	R4, R4A	sign provisions for R4 districts apply	retain; shift to sign chart (same as S.10(3) & includes S.6(2),7(4), 7A(2), 8(2) & 9(3))

BY-LAW SECTION	DISTRICT (PRESENT)	SUBJECT	ACTION
11(3)	R4,R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling to a boarding & lodging house or a converted dwelling & lodging house	delete; replace with Affordable Housing recommendations as decided by the Task Force (includes S.8(2) & 9(3) and same as S.10(4))
11(4)	R2,R3,R4, R4A	conditions regulating conversion of private detached, semi-detached or one family dwelling (except row housing) to converted dwelling houses	delete; replace with Affordable Housing recommendations as decided by the Task Force (same as S.8(9), 9(9) & 10(5))

APPENDIX C

HOW THE INDEX OF EXCEPTIONS WORKS

The following are the criteria for the index of exceptions forming part of the Zoning By-law as it should look when presented to Council for enactment.

1. The index of exceptions should be a separate section of the Zoning By-law.

2. Each page of the index should be printed in a similar form to that attached.

3. All properties in the City will be listed by their confirmed municipal addresses, and will have set opposite them references to all applicable exceptions and by-laws, if any, in the following order:

   Section 16 - Exceptions; Section 16A - By-law 645-76 and amending by-laws (Yonge-St. Clair Area); Section 17 - Prevailing By-laws; and Exception By-laws.

4. Streets should be listed in alphabetical order. The listing of each street will begin with a heading consisting of the name of the street by both margins (left and right) of each page.

5. All consecutive addresses on the same street having identical by-laws should be accumulated into ranges.

6. Single addresses and ranges should be listed with the municipal numbers at the left-hand side of each page under the street name by the left margin.

7. Any address or range not affected by an exception or a by-law of the type referred to in item 3 of these criteria, should have the words No Exceptions opposite the address or range, under the printed heading Exceptions.

ZONING BYLAW EXCEPTION INDEX

Sep. 5, 1960

Municipal Numbers Low	High	Exception Bylaws
DAGMAR AV		**DAGMAR AV**
52 -	103	S.16: (2)(107).
DALE AV		**DALE AV**
1 -	44	S.16: (1)(m), (2)(o); EXC.BL: 877-80, 256-81.
74		S.16: (1)(m), (2)(o); EXC.BL: 877-80, 256-81.
75		S.16: (1)(m), (2)(o); EXC.BL: 877-80, 409-81, 256-81.
76 -	80	S.16: (1)(m), (2)(o); EXC.BL: 877-80, 256-81.
DALEWOOD RD		**DALEWOOD RD**
48 -	51	S.16: (2)(165*), (2)(166*); EXC.BL: 391-81*.
53 -	59	S.16: (2)(165*), (2)(166*); EXC.BL: 530-82, 391-81*, 332-81.
60		S.16: (2)(165*), (2)(166*); EXC.BL: 391-81*.
61 -	65	S.16: (2)(165*), (2)(166*); EXC.BL: 530-82, 391-81*, 332-81.
DALHOUSIE ST		**DALHOUSIE ST**
95		EXC.BL: 517-76.
DALTON RD		**DALTON RD**
5 -	7	S.16: (2)(107), (2)(163*), (2)(ppp).
8		S.16: (2)(107), (2)(163*), (2)(ppp); EXC.BL: 157-69.
10 -	32	S.16: (2)(107), (2)(163*), (2)(ppp).
33		S.16: (1)(ppp), (2)(107), (2)(163*), (2)(ppp).
34 -	41	S.16: (2)(107), (2)(163*), (2)(ppp).
DANFORTH AV		**DANFORTH AV**
1 -	55	S.16: (2)(107).
80		S.16: (2)(107); EXC.BL: 487-76, 392-76.
85 -	193	S.16: (2)(107).
199 -	213	S.16: (2)(107).
225 -	270	S.16: (2)(107).
272 -	341	S.16: (2)(107).
345 -	348	S.16: (2)(107).
351 -	569	S.16: (2)(107).
572 -	579	S.16: (2)(107).
582 -	900	S.16: (2)(107).
901		S.16: (2)(107); EXC.BL: 359-76.
905		S.16: (2)(107); EXC.BL: 359-76.
906		S.16: (2)(107).
907		S.16: (2)(107); EXC.BL: 359-76.
908		S.16: (2)(107).
909 -	911	S.16: (2)(107); EXC.BL: 359-76.
912		S.16: (2)(107).
913 -	917	S.16: (2)(107); EXC.BL: 359-76.
918		S.16: (2)(107).

* An asterisk denotes an amendment that has not been approved by the Ontario Municipal Board or certified under S.39(28) of the Planning Act

Municipal Numbers Low	High	Exception Bylaws
MURDOCK AV		**MURDOCK AV**
1	28	S.16: (2)(107).
MURIEL AV		**MURIEL AV**
1	72	S.16: (2)(107).
MURRAY ST		**MURRAY ST**
2		EXC.BL: 100-80*, 49-81*.
20		S.16: (1)(117), (3*); EXC.BL: 697-79, 100-80*, 49-81*.
40		S.16: (1)(mmm); EXC.BL: 100-80*, 49-81*.
60		EXC.BL: 100-80*, 49-81*.
MUSGRAVE ST		**MUSGRAVE ST**
1	7A	S.16: (1)(142), (19); EXC.BL: 233-80.
11	25	S.16: (1)(142); EXC.BL: 233-80.
27		S.16: (1)(142), (1)(148*); EXC.BL: 233-80.
29		S.16: (1)(142); EXC.BL: 233-80.
MUTUAL ST		**MUTUAL ST**
15	25	S.16: (2)(118); EXC.BL: 517-76.
30		EXC.BL: 742-79, 61-80, 517-76, 456-81.
31		S.16: (2)(118); EXC.BL: 517-76.
37		S.16: (2)(118); EXC.BL: 517-76, 445-78.
39	45	S.16: (2)(118); EXC.BL: 517-76.
49	53A	S.16: (2)(118), (2)(122*); EXC.BL: 517-76.
53½		S.16: (2)(118), (2)(122*).
55	59	S.16: (2)(118), (2)(122*); EXC.BL: 517-76.
60		EXC.BL: 517-76.
61	79	S.16: (2)(118), (2)(122*); EXC.BL: 517-76.
81	83	S.16: (2)(118), (2)(122*); EXC.BL: 168-79*, 167-79*.
85	87	S.16: (2)(118), (2)(122*); EXC.BL: 517-76.
90		EXC.BL: 517-76.
108		EXC.BL: 517-76.
143		S.16: (2)(118); EXC.BL: 517-76.
171	177	EXC.BL: 517-76.
181		S.16: (2)(118); EXC.BL: 517-76.
182	197	S.16: (2)(107).
199		S.16: (2)(107), (2)(108).
199A	223	S.16: (2)(108).
225		S.16: (2)(118).
255		S.16: (4*).
305	317	S.16: (2)(107).
321		S.16: (2)(107); EXC.BL: 148-82*.
325	339	S.16: (2)(107).
MYRTLE AV		**MYRTLE AV**
2	62	S.16: (2)(107).

* An asterisk denotes an amendment that has not been approved by the Ontario Municipal Board or certified under S.39(28) of the Planning Act

APPENDIX D

RECOMMENDATIONS FOR REVISIONS TO DEFINITIONS RELATED TO RESIDENTIAL USES

Each definition that is applicable to the residential district provisions in By-law 20623 was discussed by the Task Force. Appendix D provides a record of the analysis undertaken for each definition and provides an explanation where changes are recommended.

APPENDIX D

RECOMMENDATIONS FOR REVISIONS TO DEFINITIONS RELATED TO RESIDENTIAL USES

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
accessory	revise	two definitions exist and they are currently being amalgamated
apartment house	revise	deletion of "dwelling house" definition means "apartment house" stands on its own, also being revised by Affordable Housing Task Force
assisted housing	retain	
bachelor dwelling unit	retain	currently used in CR districts only, possibly investigate extending its application to other districts
baseline	delete	the definition applies only to s.4(5) (i.e. external facing walls) using angular planes and both of these are proposed to be deleted
basement*	possibly use distinction where by if 50% of the floor to ceiling height is above grade, then the area is a basement	to clarify what is counted under the Task Force gross floor area recommendations
bedroom	revise	review how the term is used in conjunction with parking
boarding and lodging room, boarding and lodging house	revise	being revised by the Affordable Housing Task Force

*NOTE: This definition is not currently in the by-law, but is recommended as a new definition.

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
cellar*	possibly use distinction where if 50% of the floor to ceiling height is below grade, then the area is a cellar	to clarify what is counted under the Task Force gross floor area recommendations
church	amend to permit "a religious library or reading room and incidental retail sales" within a church	the activity is currently permitted as a condition to the use, rather than being defined as part of the use
community centre	revise	clarification of the reference to "commercial purpose" is required
converted dwelling house, converted boarding and lodging house	revise	being revised by the Affordable Housing Task Force
corner lot	revise	current definition could be incorporated in the definition of "lot" and possibly provide some explanatory diagrams
corner side yard*	the side yard of a building on a corner lot, fronting on a street	have to distinguish between corner & interior side yards when setting standards for corner lots so the potential larger corner side yard setback is not applied to the interior side yard where the setback requirements are less

*NOTE: This definition is not currently in the by-law, but is recommended as a new definition.

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
day nursery	revise and rely on Day Nurseries Act definition but specify dwelling types to be converted and that no play space be permitted in the front yard, and delete definition of nursery school	repetition of Provincial Act is not required and many of the provisions are out dated
division fence	none	term is listed but not defined and should be deleted (defined in the Line Fences Act) .
double duplex	provide a new name titled "semi-detached duplex"	clarification of the fact that the structure is a pair of duplexes divided vertically by a common party wall
double triplex	rename "semi-detached triplex"	revised for consistency
dwelling house	delete	used as general term and all building types should stand on their own.
dwelling room	retain	
family	revise, possibly defining such as "a group of not more than 5 unrelated persons"	definition is in violation of a court decision relating to the definition of the "type of family"
flat*	new definition	the use is permitted but not defined and given the emphasis on the provision of affordable housing the term should be clarified

*NOTE: This definition is not currently in the by-law, but is recommended as a new definition.

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
foster child	revise	analyze how the definition relates to "residential care facility" and clarify its use in regulating occupancy of dwellings
frontage	revise	three definitions exist
grade	revise; possibly use the OBC definition in conjunction with "height"	currently too many definitions
gross floor area	revise; possibly use a distinction between basement and cellar where basements are counted & cellars, voids and parking are not; special purpose exemptions are deleted	difficulties in calculating total g.f.a. due to intended and unintended exemptions
height	revise in conjunction with "grade"	two definitions exist and it relies on the definition of "grade"
interior lots	retain	
interior side yards*	the side yard abutting the side lot line shared with the adjacent property	term is used to differentiate the interior & corner side yards of a corner lot
landscaped open space	revise	difficulties determining what is and is not included (i.e. clarification of term "any surfaced walk")

*NOTE: This definition is not currently in the by-law, but is recommended as a new definition.

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
lot	revise, possibly include "corner lot" and "inside lot" as part of the definition	clarify whether the definition is attempting to regulate only one building per parcel of land
minimum front lot line	retain	
nursery school	delete	new definition of day nursery will include a nursery school
nursing home	revise, and delete "does not include..."	review for policy and definition should not mention that other defined terms are not included
one family dwelling house, private detached dwelling house	revise as detached dwelling house means the whole of a building comprised of one dwelling unit	delete reference to "family", simplifies term
owner	revise and possibly delete	term was brought in for a specific development and may no longer be required
parking station	revise, possibly remove standards from the definition	term has recently been amended, however it may be possible to streamline the definition
private academic philanthropic or religious school	revise, using the Assessment Act definition of school as a model	the definitions related to "schools" should be streamlined
private garage	revise	the term carport should be defined separately and the size requirements reviewed in light of the requirements for a two car garage

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
private home day care	revise so that the definition references the Day Nurseries Act	definition conflicts with the Provincial Legislation
privately-owned outdoor swimming pool	revise and remove standards	the definition refers to a "swimming pool" which is not a defined term
psychiatric hospital	revise	try and amalgamate the various definitions of hospital to maintain a "zoning perspective"
public hospital	revise, to possibly include it in a single "hospital" definition	definition does not define the use and controlling the operation is not a zoning concern (i.e. location)
public museum	revise and possibly delete	the Act referenced has been repealed
public park	currently being amended (By-law 224-82)	
public playground	revise by amalgamating it with the "public park" definition	review the use as not being permitted in a G district
public school	revise	clarify in light of recommendations regarding "private academic, philanthropic or religious school" and determine if the intent is to include only non-profit institutions
row housing	revise as term means a series of more than two attached dwelling houses, each comprised of one dwelling unit divided vertically	delete reference to "one family dwelling house"

EXISTING DEFINITION	PROPOSED DEFINITION	REASON FOR CHANGE
rowplex*	new definition	new housing forms are being built that are undefined
semi-detached dwelling house	revise as semi-detached dwelling house means one of a pair of attached dwelling houses comprised of one dwelling unit, divided vertically by a common party wall	deletes reference to "one family dwelling house"

*NOTE: This definition is not currently in the by-law, but is recommended as a new definition.

APPENDIX E

REVISIONS TO SECTION 4 - GENERAL PROVISIONS

Appendix E provides a record of the changes to Section 4 of By-law 20623 that would be required to relocate provisions applicable to residential districts to one section, as illustrated in Appendix A. It also indicates the changes that should occur if the other use categories were organized in a similar format as recommended for the residential districts. It is useful to note how the residential provisions are scattered throughout Section 4, which illustrates the advantages of Appendix A over the current format.

APPENDIX E

REVISIONS TO SECTION 4 - GENERAL PROVISIONS

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(1)	use and buildings to conform with By-law	All	retain; locate in the general provisions section
(2)	fronting of buildings	R,C1	retain; relocate to the R & C sections
(3)(a)-(d)	angular planes	R, C	delete; replace with provisions in Appendix A
(4)(a)-(ff)	front yard and side yard setbacks	R	delete; replace with provisions in Appendix A & relocate exceptions to the index & exceptions section
(4)(g)	definition of "height" definition of "minimum front lot line setback"	R	revise; relocate to definitions section
(4)(h)	building depth for apartments	R	delete; OMB temporary approval expired Dec.31/82
(4)(i)	setbacks and angular planes should only apply to portions of buildings above grade	R	retain; delete reference to angular planes and place in Appendix A
(4)(j)	depth restrictions do not apply to a legally constructed uncovered platform	R	retain; place in the permitted projections chart

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(5)(a)-(c)	buildings not to project beyond angular planes, distance between two external walls of a building	R	delete; replace with provisions in Appendix A
(5)(d)(i)-(iii)	definition of baseline	R	delete; S.4(5) will be deleted & this definition only applies to this section
(5)(e)	external facing wall provisions do not apply to specific building types	R	delete; rely upon OBC separation distances and the light,view & privacy guidelines in Development Review process for apts.
(6)(a)	location and slope of ramps	All	retain; relocate to parking and loading section
(6)(b)	types of dwellings exempted from (6)(a)	All	retain; relocate to parking and loading section
(6)(c)	ramp requirements for dwelling types exempted in (6)(b)	All	retain; relocate to parking and loading section
(6)(d)	ramp width requirements for buildings in (6)(a)	All	retain; relocate to parking and loading section
(7)(a)(a)-(i)	permitted projections into minimum yards	R	revise to chart form and place in permitted projections section of Appendix A
(7)(a)(j)(i)-(iii)	signs as permitted projections re: apartment houses	R	retain; relocate to chart in Appendix A

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(7)(a)(k)(i),(ii)	bay window projection requirements	R	retain; relocate to permitted projections chart in Appendix A
(7)(a)(k)(iii)	external facing wall requirements applied to bay window projections	R	delete; rely upon OBC requirements for separation distances as S.4(5)(a)-(e) will be deleted
(7)(a)(1)	permits second storey addition within existing walls despite any projection, provided building complies with density and floor area requirements & does not exceed 17 m in depth	R	retain; relocate to permitted projections chart, however, the depth restriction does not apply in RD districts or Z4 & Z5 density zones as exempted by S.3(1) of Appendix A and when depth maps are provided the 17 m restriction should be deleted
(7)(b)	landscaped open space cannot be reduced beyond specified minimum		delete; the minimum is set out in S.12(b)
(8)(a)-(d)	no parking or storage of trailer or commercial vehicles - exceptions	R	retain; relocate to parking and loading section
(8)(d)(part)	definition of "camper trailer"	R	retain; relocate to definitions section

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(8)(e)	no parking or storing vehicle beyond main front wall of an R building	R, C	revise to permit parking in this area for other than casual purposes, provided it is on a legally constructed driveway; relocate to parking and loading section
(8)(f)	exception to (8)(e) re: widening of mutual drive	R, C	review; relocate to parking and loading section
(8)(g)	exception to (8)(e) re: widening of private drive	R	review; relocate to parking and loading section, amalgamate with 8(f), provisions & revise frontage definition and shift to definitions section
(9)	adjacent C uses on same lot-permissible district least restrictive	C	retain; relocate to C section
(9A)	adjacent I uses on same lot-permissible district least restrictive	I	retain; relocate to I section
(10)	no C, CR, QR, I use permitted if fronting on street or right of way that forms a boundary with an R District	C, CR, QR, I	retain; relocate to C, CR, QR, I sections
(11)(a)-(e)	reduction of lot-enlargement of building-subsequent non-compliance	R, C, CR, QR	revise; delete reference to S.4(5), locate in general provisions section

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(11)(f)	erection of addition to front and/or rear of certain dwelling houses - conditions	R(Z2's only)	delete 1, 2 & 5, as gfa & depth will be determined by area study delete 3 & 4 see Appendix A
(11)(g)	enclosing porch or verandah of certain dwelling houses - conditions	R, C1, CR, QR	revised recently & changes not yet discussed by Task Force
(11)(g)(i)	exemption of North & South Rosedale from (11)(g)	R	retain; relocate to exemptions section & index
(12)(a)	maximum gross floor area for C buildings in certain areas	C	retain; relocate to C section
(12)(b)	maximum gross floor area & minimum landscaped open space re: R buildings/structures	R	revise; gfa to be discussed further and standards relocated to R section (App. A)
(12)(bb)	landscaped open space requirements re: apt. houses	R	retain; relocate to R section
(12)(c)	max. non-residential gross floor area	CR, QR, C1A, C1S, I, IC	retain; relocate to C, I, CR & QR sections
(12)(d)	addition for residential purposes to building where NRGFA exceeds that permitted	I, IC, CR, QR, C1A, C1S	retain; relocate to C, I, CR, & QR sections
(12)(e)-(i) & (j)-(l)	max. no. of dwelling units &/or NRGFA re: residential or mixed use buildings - exceptions	CR, QR	retain; relocate to CR and QR sections

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(12)(iA) & (iB)	max. no. of dwelling rooms &/or NRGFA re: residential or mixed use buildings	QR	retain; relocate to QR section
(12)(m)&(n)	buildings to comply with height maps - exceptions	All	retain; locate in general provisions section
(12)(o)(i)	definition of GFA	R, C, C1A, C1S	revise; still under consideration by Task Force; relocate to definitions section
(12)(o)(ii)	max. GFA of R building in certain areas	C1	revise; relocate to C section
(12)(o)(iii)	Landscaped open space definition	R, C1, C1A, C1S	retain; relocate to definitions section
(12)(o)(iv)	"NRGFA" - definition	CR, QR, I, IC	retain; relocate to definitions section
(12)(o)(v)	residential GFA - definition in an R building and a mixed use building	CR, QR	retain; relocate to definitions section
(12)(o)(vi)	"non-residential building" - definition	CR, QR, I, IC	retain; relocate to definitions section
(12)(o)(vii)	"residential building" - definition	CR, QR	retain; relocate to definitions section
(12)(o)(viii)	"mixed use building" - definition	CR, QR, I, IC	retain; relocate to definitions section
(12)(ix)	definition of "height"	All	revise; relocate to definitions section

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(13)	parking facilities - location, number required	All	retain; relocate to parking and loading section
(13)(a)(i)	definitions of "place of assembly" & "parking space" - size access	All	retain; relocate to definitions section
(13)(a)(ii)	exemption of North & South Rosedale from 4(13)(a)(i)	R	retain; relocate to exceptions section & index
(13)(b)-(g)	parking facilities - location number required - access - exceptions definition of "Central Industrial District"	All	revise; (b),(f) & (g) currently being amended, relocate general provisions to parking and loading section, area exceptions (south of Carlton, Regent Park) to exceptions section and index
(13)(h)	certain conditional exemptions from parking requirements for specific dwelling types where number of units has been reduced	All	retain; relocate to parking and loading section
(13)(j)	parking for assisted housing in South of Carlton area	R, CR	delete; currently being deleted
(13A)	Central Area - parking provisions	All	retain; relocate to parking and loading section
(14)(a),(b)	loading space requirements, location, no. required, size for other than Central Area	All	retain; relocate to parking and loading section

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(14)(c)	exemption from S.(4)(14) for Central Area	All	retain; new provision in approval process
(14A)	Central Area - loading provisions	All	retain; relocate to parking and loading section
(16)(1),(2)	no access to (C,CR, IC,I) use from flanking street line, adjoining an R District	C, CR, IC, I	retain; (currently being revised); relocate in C and I sections
(17)	no R building or R use	C2, C3, C4	retain; relocate in C section
(18)(a)&(b)	not more than one basement level; no dwelling unit in a duplex below 1st floor	R, CR, QR	retain; relocate in R & mixed use sections
(20)(a)&(b)	positioning of residential buildings	All	retain; locate in general provisions section
(21)(part)	min. lot frontage for houseform buildings	R	delete; replaced by App. A
(22)	habitable room to be adjacent to vacant space of equal area - exceptions	C	retain; relocate in C section & delete reference to use categories exempted from the section
(23)(a),(b)	control of buildings containing hazardous or offensive products	All	retain; locate in general provisions section
(23A)	no "gas bar"	AC, C	delete; relocate to AC & C district provisions
(24)(a)	50% of front yard for landscaped open space for dwelling houses other than apt. houses	R, C1A, C1S, C1	retain; relocate in R & C sections

SUBSECTION NO.	TITLE	APPLICABLE USE DISTRICT(S)	ACTION
(24)(b)	exemption from 4(24)(a) for a porch or platform	R, C1A, C1S, C1	new provision not yet discussed by Task Force
(25)(a)-(d)	parking exemptions for designated properties	All	retain; locate in general provisions section & relocate the definitions to the definitions section
(26)(a)-(c)	provisions for each building to have its own lot	R	retain; relocate in general provisions section

APPENDIX F

ALTERNATIVE TECHNIQUES FOR THE CONTROL OF THE BULK OF HOUSEFORM BUILDINGS

Part of the gross floor area discussion centred on analyzing alternative methods for controlling the bulk of residential buildings. Several examples were considered and the Task Force narrowed the possibilities down to two alternatives. They are:

i. a retention of gross floor area with modifications to the definition to clarify what is counted or excluded; and

ii. no gross floor area controls, replacing them with a system of bulk controls operating on a sliding scale basis as lot dimensions vary.

Each alternative is assessed and evaluated using the following criteria:

1. Simplicity - in terms of interpretation and use;

2. Predictability - in terms of building form;

3. Compatibility - with adjacent buildings;

4. Diversity - in size, design or siting to reflect the existing neighbourhood; and

5. Implementation - assessing the technical changes required.

ALTERNATIVE 1: A simplified gross floor area technique where all interior space in a basement and above is included, except the required parking and voids, while any space in a cellar is exempt.

CRITERIA:

Simplicity	High.
Predictability	High for typical new development although there are some inconsistencies in the application to existing development as listed below.
Compatibility	High.
Diversity	Similar to existing system, whereby it is low on small lots and higher on larger ones.
Implementation	Problems could exist in establishing an equitable system. See Implications.

IMPLICATIONS:

This proposal requires increases in the gross floor area maximums even though no real or net change to the allowable densities are intended as a result of this refinement in technique. The effect of the change would, however, vary in common conditions.

Consider the typical 2 1/2 storey house with no habitable areas in the basement, and existing gross floor area distributed 46.5 m2, 46.5 m2 and 23.3 m2 over the 2 1/2 floors. Adjustment of the maximum density allowed to account for the 46.5 m2 basement would require an increase of 40% (116 m2 divided by 46.5 m2) over the old maximum or a new ratio of 0.84 times the lot area (0.6 x 40% + .6). The proportion of previously uncounted gross floor area which the technique would now count is not constant across a density district that includes a variety in both building class and form.

However, this may not be a serious problem as the current density limits should take into consideration any variety in building class. Where the limits fail to do this, there are probably difficulties such as those described already. Therefore this problem would have to be corrected anyway. The studies should identify the areas of different building forms and class and make

recommendations for adjusting the density limits on this basis, rather than applying a constant increase across a density district. This should correct situations where the limits are currently a problem by providing limits which recognize the existing floor area of the houses.

ALTERNATIVE 2: No gross floor area controls - dependence on a sliding scale system of setbacks, landscaped open space, lot width, height and depth requirements only.

CRITERIA:

Simplicity	Initially appears high as it eliminates current problems of grade definition, children's play areas, and voids, but would likely become very complex.
Predictability	High on smaller lots where the built form envelope is more likely filled. The results on any other than a model lot, become progressively less predictable as variations in the shape and/or the size of the lot increase.
Compatibility	Compatibility becomes dependent on the uniformity of surrounding lot frontages and other building characteristics and the class of building involved.
Diversity	Dependent upon the measures chosen for the building envelope. Tends to be low on small lots and high on larger or irregular ones. Deep lots may be penalized if they are located in areas where the controls are developed for shallower lots.
Implementation	Assumes major restructuring of both the Official Plan and Zoning By-law. Requires extensive review of existing development to establish appropriate new physical standards and public acceptance that the system would meet the goals for each neighbourhood. Questions to be resolved include: (i) what building types should be affected; (ii) what are appropriate controls; and (iii) what areas are appropriate.

IMPLICATIONS:

To be effective, the envelope would need to vary with the lot dimensions, particular blocks or streets, and class of building, implying a very complex system. Numerous sets of standards would

be required wherever lot or building characteristics changed. For example, wherever the width of existing lots or a density designation changes, a new scale relating setbacks, depth, etc. to the width, could be required. Further, it would be difficult to establish a simple system to allow for some reasonable flexibility and at the same time ensure general compatibility. Property owners would likely press for very restrictive envelopes to ensure better control.

The number of variance applications would probably increase under this proposal as some of the limits set would have to assume that certain relationships exist, such as, that the depth of a house increases with lot length. It is difficult to find evidence that such relationships exist and setting limits on this basis could result in new houses being much deeper than existing houses.